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THE

MUNICIPAL MANUAL,

FOR

UPPER CANADA.

3206

FIFTH EDITION.

REVISED AND CORRECTED,

EMBRACING

THE LATEST CHANGES AND ALTERATIONS IN THE LAWS
AFFECTING MUNICIPALITIES IN UPPER CANADA, WITH
AN ANALYTICAL INDEX, AND

COMPLETE LIST OF THE ACTS WHICH IT MAY SOMETIMES
BE NECESSARY TO CONSULT.

TORONTO:
THOMPSON & Co., 52, KING STREET EAST.
1855.

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PREFACE.

The system of Self-Government, introduced into Upper Canada, by the Municipal Act of 1849, while it materially extended the powers and privileges of the Municipalities, at the same time, multiplied their duties and responsibilities. It was felt that to search through the Statutes of the Province, for, and examine the several Acts, required to be known by those appointed to carry out these laws, involved an amount of labour, it was very desirable to abridge; desirous of facilitating the operation, therefore, of the Municipal system, thus introduced, the late MR. SCOBIE compiled and published the First Edition of the *Municipal Manual;* and, so completely was it found to answer the end in view, that four Editions of that work, have been successively called for, since that time.

The present Edition is intended to supply the want, frequently expressed, of that work, (now entirely out of print.) In projecting a new Edition, it was thought desirable to revise the whole, and incorporate with the original Acts, the several amending Acts, so as to facilitate the understanding of the whole; and, at the same time, introduce such additional Acts, and parts of Acts, as properly came within the scope of such a publication. The extent to which these have amplified the work rendered it advisable to exclude from this Edition, all the Acts, having a reference to Common and Grammar Schools: but, it is the intention of the Editor, to supply this deficiency, by the publication of a separate *Manual.*

J. B.

TORONTO, January, 1855.

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MUNICIPAL CORPORATIONS,

UPPER CANADA.

ACT 12 *VIC., CAP.* 81.

An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada, as amended by Acts 13 *and* 14 *Vic., cap.* 64; 14 *and* 15 *Vic., cap.* 109; *and* 16 *Vic., cap.* 181.

Preamble.

12th Vic., Cap. 80

WHEREAS it will be of great public benefit and advantage that provision should be made, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada: And whereas, with a view to this object, certain Acts of the Parliament of this Province, and certain others of the Parliament of the late Province of Upper Canada, have, by an Act passed during this present Session of Parliament been repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before; excepting always such of its provisions as may require that any thing be done preparatory to the first elections to be held under it, which provisions shall be in force immediately upon, from, and after the passing thereof.

Commencement of this Act.

Exception as to preparatory proceedings.

13th and 14th Vic. cap. 64, sec. 1.
Preamble.
12 Vict. c. 81.

[Whereas in the engrossment of the Act passed in the last Session of Parliament, chaptered eighty-one, and intituled, *An Act to provide, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada,*

N.B.—The amended portions of the Act are printed in close type, and on the margin will be found the Act, Chapter, and Section of each.

some errors were accidentally committed, and amongst them, one of the Schedules in the said Act referred to, and intended to have been annexed to the same, was wholly omitted : And whereas there are also some inaccuracies, as well in the body of the said Act as in the Schedules thereunto annexed ; And whereas it is expedient as well to correct the said errors and inaccuracies as to amend the said Act in some of the provisions thereof, and to make some further provisions for the better accomplishment of the object thereof : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several words, phrases and sentences in the first column of the Schedule to this Act annexed, marked A, numbered from one to thirty-six inclusive, and set forth at length in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective Sections, sub-sections and provisoes of the said Act particularly referred to in the third column of the said Schedule, opposite to each of such words, phrases and sentences respectively, shall be, and the same as so contained in such sections, sub-sections and provisoes, are hereby repealed ; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be, and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively ; and henceforth, the said substituted words, phrases and sentences, instead of those for which they are so substituted as aforesaid respectively, shall be, and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections and provisoes of the said Act in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and, in the parts of such sections, sub-sections and provisoes therein particularly mentioned ; and the said Act, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Act, anything therein contained to the contrary notwithstanding : Provided always, nevertheless, that nothing in this Section contained, shall render void or otherwise affect in any way, anything heretofore done under the authority of the said Act, but the same, unless it shall have been made the subject of proceedings at Law actually instituted before the passing of this Act, shall be, and the same is hereby ratified and confirmed ; anything herein contained to the contrary nowithstanding.]

Certain words, &c., mentioned in Schedule A. substituted for certain others in the said Act.

How the said Act shall hereafter be construed.

Proviso : as to things already done.

14th and 15th Vic. cap. 109.

[XXXVI. And be it enacted, That the several words, phrases and sentences of "The Upper Canada Municipal Corporations' Act" of one thousand eight hundred and forty-nine, as such Act was corrected and amended by "The Upper Canada Municipal Corporations' Law Amendment Act" of one thousand eight hundred and fifty, and of the said "Upper Canada Municipal Corporations' Law Amendment Act" of one thousand eight hundred and fifty, in the first column of the Schedule to this Act annexed, marked A, numbered from one to thirty inclusive, and set forth in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective sections, sub-sections and provisoes of the said Acts particularly referred to in the third column of the said Schedule opposite to each of such words, phrases and sentences respectively, shall be and the same, as so contained in such section, sub-sections and provisoes, are hereby repealed; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively; and henceforth, the said substituted words, phrases and sentences instead of those for which they are so substituted as aforesaid respectively, shall be and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections and provisoes of the said Acts respectively, in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and in the parts of such sections, sub-sections and provisoes therein particularly mentioned; and the said Acts, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Acts respectively, any thing therein contained to the contrary notwithstanding; and so much of the said "Upper Canada Municipal Corporations' Law Amendment Act" of one thousand eight hundred and fifty, as makes any correction or amendment in or to any of such words, phrases or sentences other than those hereby made in or to the same, and so much of both or either of the said Acts as makes any other provision whatever contrary to or inconsistent with the provisions of this Act, or any provision whatever in any matter provided for by this Act, other than such as is hereby made in such matter, shall be, and the same is hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into operation: Provided always, nevertheless, Firstly, that nothing in this Act contained shall render void or otherwise affect in any way, any thing heretofore done under the authority of the said Acts or either of them, but the same, unless it shall have been made the subject of proceedings at law actually instituted before the passing of this Act, or shall be made the subject of such proceedings within six calendar months next after the passing of this Act, shall be and the same is hereby ratified and confirmed, any thing herein contained to the contrary notwithstanding: And provided also, Secondly, that notwithstanding the repeal of the parts and provisions of the said Acts hereby repealed, all acts which might have been

Other words, &c. substituted for the above, as set forth in the 4th column of the Schedule.

The same how to apply.

Acts to be construed as if such words, &c., were contained therein.

Inconsistent provisions repealed.

Proviso: Things performed under Acts, unless made the subject of legal proceedings in certain cases confirmed.

Proviso: As to offences, fines, moneys, &c.

before this Act comes into operation.

done, and all proceedings which might have been taken or prosecuted, relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall have come into operation, shall and may still be done and prosecuted, and the offences, and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the said parts and provisions of the said Acts hereby repealed continued in force.]

16th Vic. cap. 181

Preamble.

Act 12 Vic. cap. 81 cited.

Certain sections of 12 V. c. 81, as amended by 13 & 14 V. c. 64, and 14 & 15 V. c. 109, repealed; and others substituted for them.

Proviso: as to things done before this Act comes into force.

[Whereas it is expedient further to amend the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, and the Acts amending the same, and to supply some provisions which have been found wanting in the said Acts: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the twenty-second, thirty-third, sixty-fifth, eighty-third, eighty-fourth, ninety-fourth, one hundred and third, one hundred and ninth, one hundred and fifteenth, one hundred and twenty-eighth, one hundred and thirty second, one hundred and thirty-fifth, one hundred and forty-sixth, one hundred and forty-seventh, one hundred and fiftieth, one hundred and sixty-eighth, one hundred and eighty-fifth, one hundred and eighty-eighth, one hundred and ninety-fifth, and two hundred and fourth Sections of *The Upper Canada Municipal Corporations' Act of* 1849, with the amendments made to any of the said Sections by *The Upper Canada Municipal Corporations' Law Amendment Act of* 1850, or by *The Upper Canada Municipal Corporations' Law Amendment Act of* 1851, or by both the said last mentioned Acts, shall be and the same are hereby repealed, and the several sections hereinafter substituted for them respectively shall make part of the said *Upper Canada Municipal Corporations' Act of* 1849, which shall after the time when this Act shall come into force and effect, be read, construed and take effect as if the said substituted Sections had been originally inserted therein in the place and stead of the Sections for which they are hereby substituted respectively: Provided always, nevertheless that neither the repeal of the Sections hereby repealed nor the substitution of other enactments or provisions for those contained in the said Sections, shall render void or affect in any way any thing done or any right acquired or any penalty, forfeiture or liability incurred before this Act shall come into force and effect, but the same shall be considered, enforced, adjudged upon and dealt with as if such repeal and substitution had not taken place.]

Commencement of Act.

[XLI. And be it enacted, That this Act shall come into force and effect upon, from and after the first day of July one thousand eight hundred and fifty-three, and not before.]

I. TOWNSHIPS.

Inhabitants of Townships incorporated.

Their Corporate powers.

How exercised.

II. And be it enacted, That the inhabitants of each Township in Upper Canada, which shall have one hundred or more resident freeholders or householders on the Collector's Roll thereof, for the last year that the same shall have been made up, prior to the time this Act is appointed to come into force, shall be a Body Corporate, and as such shall have perpetual succession and a Common Seal, with power to break, renew and alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded in all Courts and places whatsoever, of purchasing, acquiring and holding lands and tenements, and other real and personal property within such Township for the use of the inhabitants thereof, in their corporate capacity, and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that all such powers shall be exercised by, through, and in the name of the Municipality of each Township respectively.

Townships having less than a certain population to be united to others, and how

Which shall be the Junior Township.

As to Townships newly laid out or having less than a certain population after 1st Jan. 1850.

As to Townships having Rural Wards.

III. And be it enacted, That it shall be the duty of the Municipal Council for each District in Upper Canada, at a Special Meeting to be held for that purpose on the second day of October 1849, after the passing of this Act, and to be continued by adjournment from time to time to such period not being beyond the second day of November next thereafter, as may be necessary for completing the business hereby imposed upon them, by a By-law to be passed for that purpose at such meeting, to attach every Township lying within any County in their District which shall have within it less than one hundred resident freeholders and householders on the Collector's Roll for the last year, that the same shall have been made up prior to the said second day of October next, to some other adjacent Township lying within the same County, and such Township so united or attached to such adjacent Township, shall, until the dissolution of such Union as provided for by this Act, be known as the Junior Township of such Union of Townships, and be represented in one Municipality in common with such adjacent Township, which shall in like manner be known as the Senior Township of such Union; and from and after the first day of January next, after the passing of this Act, every Township newly laid out by the Crown, or not having within it one hundred resident freeholders and householders on the Collector's Roll, and not then already attached to or united with any other Township as aforesaid, shall, by a By-law of the Municipal Council of the County in which such Township shall be situate, be united for the purposes of this Act to such adjacent Township, in such County as such Municipal Council shall think fit, and also to some one particular rural Ward of such Township, where such last mentioned Township shall have been divided into such Wards, or part of it to one of such Wards and part of it to another of such Wards, with a view to the representation of the freeholders and householders thereof, in the Municipality of such United Townships, and all such Townships shall, while they shall continue so united, be called *The United Townships of* *(mentioning their names,)* and the word Township, shall for the purposes of this Act, be held and considered to apply to and include Townships so united as well as single Townships, and such Unions may be made to consist of two or more Townships, as convenience may require.

Word "Township" interpreted.

13 & 14 Vic. cap. 64, sec. 8.

Recital.

[VIII. And whereas by the third Section of the said first-mentioned Act, provision was made for the Union of Townships having less than one hundred resident freeholders and householders on the Collector's Roll, to any adjacent Township having that number of such freeholders and householders, but not for the Union of several Townships having each less than the prescribed number of such freeholders and householders, but which, if formed into a Union, would together have more than such prescribed number; And whereas in the newly settled parts of the country, the want of such a provision has been found to occasion great inconvenience: be it therefore enacted, That it shall and may be lawful for the Municipal Council of any County or Union of Counties in Upper Canada, at any time before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty, by a By-law to be passed for that purpose, to dissolve all or any of the Unions of Townships formed or to be formed under the authority of the said third section of the said Act, and if they shall deem it expedient so to do to form such other Unions of the Townships within such Counties or Unions of Counties, as they may think most convenient for the accommodation of the people of such Townships: Provided always nevertheless, firstly, that it shall be lawful for any such Municipal Council, in forming such Unions, to attach together any two or more Townships lying within the same County, but not when they shall be within different Counties of such Unions of Counties; And provided also, secondly, that the Townships to be thus formed into any such Union shall together have had not less than one hundred freeholders and householders on the Collector's Rolls for the last year that the same shall have been respectively made up prior to the passing of such By-law: Provided also, thirdly, that every such By-law shall designate the order of seniority of the Townships forming every such Union of Townships, which shall in every such By-law be arranged (unless in the opinion of such Municipal Council, there may appear some special reason to arrange them otherwise) according to the relative number of freeholders and householders on such Collector's Rolls respectively, those having the greater number on such Rolls being placed senior to those having the less.]

New provision as to unions of townships.

Proviso.

Proviso.

Proviso.

14 & 15 Vic., cap. 109, sec. 26.

To extend the time limited for

[XXVI. And be it enacted, That the time limited by the eighth section of The Upper Canada Municipal Corporations' Law amendment Act of one thousand eight hundred and fifty, for the County Municipal

Councils to pass By-laws for the dissolution of the Unions of Townships within their respective jurisdictions, and for the formation of new Unions for the greater accommodation of the people of such Townships, as in the said eighth section of the said Act is mentioned, shall be and the same is hereby extended to the thirty-first day of December 1851, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint; and that the County Municipal Councils may dissolve the Union of Townships created by virtue of the last recited Act, and form other Unions of Townships or independent Townships in pursuance of the provisions of the said last recited Act and of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, and that Unions of Townships formed under By-laws passed under the authority of the said eighth section of the said Act and of this Act shall and may be dissolved in the same manner as the pre-existing Unions to which the said section expressly refers.]

passing By-laws, for dissolution of unions of Townships, and for the formation of new unions.

[XI. And whereas in some parts of Upper Canada, junior Townships, having more than fifty and less than one hundred resident freeholders and householders rated on the Assessment Roll of such junior Township, are so situated with reference to streams, water courses or other natural obstructions, that the inhabitants thereof cannot conveniently unite with any adjoining Township for managing their Municipal affairs; Be it therefore enacted, That whenever a majority of at least two-thirds of the freeholders and householders, rated on the Assessment Roll, resident within any junior Township in Upper Canada, having within it at least fifty resident freeholders and householders on such Roll, shall petition the Municipal Council of the County within which such Township is situate, stating their desire to be formed into a separate Municipality, it shall be lawful for such County Municipality by any By-law to be passed for that purpose, to separate such junior Township from any other Township to which it may be united, and to declare that such separation shall come into force and take effect from and after the first day of January next, after the end of three calendar months from the passing of such By-law, and from the said first day of January after the passing of such By-law, such Township, and that to which it shall have been so united, shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships: And the Municipality of such County shall, by the same By-law, appoint the Returning Officer to hold the first election in such Township, (junior) and name therein the place at which it shall be held on the first Monday in January next after the passing of such By-law; Provided always, that the By-laws of the senior Township shall, in so far as they may be applicable in such junior Township, remain in force therein, notwithstanding its becoming a separate Municipality until they shall be respectively repealed or altered by the Municipal Council of such junior Township.]

16th Vic., cap. 181, sec. 11.
Recital.

Upon a petition of a majority of the inhabitants of any Township having 50 electors which cannot be conveniently united to another the County Council may separate them.

County Council to appoint the Returning Officer at the first election.

Proviso, as to By-laws of former union.

IV. And be it enacted, That it shall and may be lawful for every

Townships may be divided into

Rural Ward, and how.

such Municipal Council if they deem it expedient so to do, in and by such By-Law, to divide each of the Townships (including Unions of Townships as aforesaid,) in each County, into rural Wards, for the election of Township Councillors, for such Township excluding from such Wards any and every Incorporated Village, Town or City, and the liberties thereof lying within the limits of such Township, which Division into rural Wards shall be made in such manner that the several Wards in each of such Townships shall, as regards the number of freeholders and householders entitled to vote at the election of Township Councillors for the same, respectively, be as nearly equal as practicable, regard being however also had to the convenience of such freeholders and householders, and to the rendering each of such rural Wards as compact as circumstances will permit.

A place in each Ward to be appointed for elections, &c.

V. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, shall in the same By-law appoint a convenient place in each of such Wards for holding the election of Township Councillors for such Ward, and shall also appoint a fit and proper person to hold the first election of a Township Councillor in each of such Wards respectively.

Publication of By-laws for a division into Wards.

VI. And be it enacted, That copies of every such By-law shall be published by every such Municipal Council, twice at least in the Official Gazette of this Province, and at least four times in some public newspaper, if any there be published in such County, and copies thereof shall be moreover posted up in the four most public places in each Township in such County.

Copy of By-laws to be sent to the person appointed to hold the election in a Rural Ward, &c.

VII. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, and shall fix the places for holding the first elections in such Wards, and appoint Returning Officers for holding the same, shall cause a copy of such By-law under their seal to be delivered to the person appointed to hold the election for each of such Wards, or to be left for him at his usual place of residence, one calendar month at least prior to the time for holding the election, and every such person shall, and he is hereby required to hold the first election of Township Councillor for the Ward to which he shall be so appointed, and in default thereof shall be liable to a penalty of not more than Ten pounds for his default in the premises.

14 & 15 Vic., cap. 109, sec. 36.

Any Township division into Rural

[Sec. VIII. And be it enacted, That it shall and may be lawful for the Municipality of each Township from time to time by any By-law or By-laws to be passed [for that purpose, to abolish the said division into Wards, or] to divide such Townships into several Wards, or where the same shall have been previously so divided by Act, either of the District or County Municipal Council, or of the Municipality of the Township, then to divide the same anew into several wards as aforesaid, arranging or re-arranging the same, so as more effectually to accomplish the objects aforesaid, every which division by such Municipality shall supersede that so to be made by such District or County Municipal Council, as well as every previous division made by such Municipality itself; Provided always, nevertheless, that no such By-law shall be of any force or effect unless the same shall have been passed by a vote of at least four-fifths of the members of such Municipality for the time being.]

Wards may be altered.

By-law for altering it.

[XXXIV. And be it enacted, That in any case where any Township Municipality shall have heretofore abolished any Division thereof into Wards that may have previously existed, such proceeding of such Municipality shall be and is hereby confirmed and made valid to all intents and purposes, unless the same shall have been set aside by judicial decision.]

14 & 15 Vic. cap. 109, sec. 34. Abolition by Township Municipalities of Division into Wards to be valid in a certain case.

[VI. And be it enacted, That it shall be lawful for a majority of the freeholders and householders of any Township or Union of Townships, for the year next previous to that in which the application shall be made, to apply by Petition in writing to the Municipality of such Township, praying that such Township or Union of Townships, if not then already divided into Rural Wards, may be so divided, or if such Township or union of Townships, be then so divided, then praying that such division into Rural Wards may be abolished, or that alterations to be specified in such petition may be made in such division into Wards: And in every such case, it shall be the duty of such Municipality to pass a By-law in the former case, dividing such Township or union of Townships into Rural Wards in the manner prescribed in and by the 4th section of the Municipal Corporations' Act of 1849, and in the latter case abolishing or altering pursuant to such petition, the then existing division of such Township or Union of Townships into Wards: Provided always, nevertheless, firstly, that every such By-law made in pursuance of this section, shall contain a recital of the Petition on which it was founded, and of the same having been passed in compliance with the prayer of such Petition and the directions of this section: And provided also, secondly, that every such By-law shall contain a clause limiting the same to take effect and come into operation on the First day of December next but one after the same shall have been passed, and in case of proceedings being taken for dividing, abolishing, or altering the division into Wards, such By-law shall not be passed, nor such division, abolition or alteration take place, unless a majority of the freeholders and householders of such Township or Union of Townships entitled to vote at the General Annual Municipal Election for such Township or Union of Townships, at the General Annual Municipal Election for the same to be held for the year in which such By-law shall be so limited to take effect and come into operation, shall, in addition to all other votes given by them at such Election, vote for such dividing into Wards, or the abolishing of the dividing into Wards, or

16 Vic., cap. 181, sec. 6. Majority of inhabitants of any Township may petition the Council thereof to divide it into Wards, or that the division into Wards be abolished

By-law to be made in such case

Proviso: Certain facts to be recited in the By-law.

Proviso: By-law shall take effect only after a certain time, and provided the votes of the electors be given in its favor.

Proviso: Petition must be signed by a majority of Electors on the Roll.

Proviso: By-law may be passed by a mere majority of the Council.

the altering of the same, as hereinafter provided; Provided also, thirdly, that it shall not be obligatory upon any such Municipality to pass any such By-law in compliance with such Petition, unless such Petition shall be signed by a majority of the freeholders and householders appearing on the Collector's Roll of such Township or Union of Townships for the year preceding that in which the same shall be presented: And provided also, fourthly, that such By-law need not be passed by a vote of four-fifths of the Members for the time being of such Municipality, as required by the eighth section of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, but by a majority thereof.]

16th Vic., cap. 181, sec. 7.

How the votes of electors shall be taken upon such By-law.

Proviso: Fair copies of By-law to be posted up at the polling place, in certain cases.

Proviso: Town Reeve to ascertain the result of the votes, and to give notice that the By-law will or will not come into force accordingly.

[VII. And be it enacted, That it shall be the duty of the Town Reeve of every such Township or Union of Townships, the Municipality of which shall have passed any such By Law as is mentioned in the next preceding section of this Act, to cause a certified Copy of such By-Law to be delivered to the Returning Officer, or if such Township or Union of Townships shall be divided into Wards, then to each of the Returning Officers whose duty it shall be to hold the General Annual Municipal Elections for such Township or Union of Townships, for the year in which such By-law is so limited to take effect as aforesaid; And it shall thereupon be the duty of every such Returning Officer to insert appropriate columns in his Poll Books, headed: "For the division into Wards;" "For the alteration of the division into Wards;" "Against the division into Wards;" "Against the alteration of the division into Wards;" "For the abolishing of Wards;" "Against the abolishing of Wards;" as may be necessary, and while the Poll for the election of Township Councillors shall remain open, according to law, to receive and record the votes of those entitled to vote for Township Councillors at such Election, for and against such project, as the same may be tendered to him in that behalf: Provided nevertheless, firstly, that when such By-law shall be for dividing such Township or Union of Townships into Wards, or for the alteration of the Division into Wards, it shall be the duty of every such Returning Officer to have fair copies of such By-law put up in at least four conspicuous places in and about the place where such Poll shall be held, so that the same may be open to the inspection of the public: And provided always, also, that in every such case, it shall be the duty of the Town Reeve of such Township or Union of Townships, within one month after his election, to examine the Returns of such Poll as respects the votes for and against such proposition, and to give public notice of the result, that such By-law will or will not take effect accordingly on the first day of December then following, according as he shall find that there was a majority of votes for or against such proposition.]

16th Vic., cap. 181, sec. 8.

Such By-law if adopted not to be altered except in the manner hereinbefore provided.

[VIII. And be it enacted, That after any such By-law as is referred to in the two next preceding sections, shall have taken effect in the manner therein provided, it shall not be in the power of the Municipality of such Township or Union of Townships to repeal or alter the same, except by a By-law to be passed upon a similar petition from a majority of the freeholders and householders whose names are on the Collector's Roll of such Township or Union of Townships, nor unless such proposed repeal or alteration shall be approved of by the votes of a majority of the Municipal Electors of such Township or Union of Townships at a general annual Municipal Election for the same, agreeably to the provisions of the said two sections hereinbefore provided with respect to such original By-law for dividing or abolishing of divisions into Wards respectively.]

Place for holding elections may be altered.

IX. And be it enacted, That it shall and may be lawful for the Municipality of each Township, from time to time, by any By-law or By-laws to be passed for that purpose, to appoint a fit and convenient place in each of the several Wards into which such Township shall be divided for holding the election of Township Councillors, therefore, every which appointment shall supersede that made by such District or County Municipal Council, as well as any appointment previously made by such Municipality.

Returning Officers to be appointed.

X. And be it enacted, That it shall be the duty of every Township Municipality whose Township shall be divided into rural Wards as aforesaid, to appoint annually fit and proper persons to be the Returning Officers for holding the elections of Township Councillors in the several rural Wards into which such Township shall be so divided.

Provision for separation when the Junior Townships have sufficient population.

XII. And be it enacted, That whenever any Junior Township of any such Union of Townships as is hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, such Junior Township upon, from and after the first day of January, in the year next but one thereafter, shall be incorporated by itself, and such Junior Township and the other Township or Townships to which it shall have been theretofore united, shall, from thenceforth to all intents and purposes whatsoever, be held and considered as separate Townships.

16 Vic., cap. 181, sec. 3.

The County Council to make By-laws respecting the holding of the first election in any place about to become a new Township.

[III. And be it enacted, That whenever any Junior Township of any Union of Townships as provided for by the said Municipal Acts, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipal Council of the County in which such Township shall be, by a By-law to be passed for that purpose, within the first nine months of the year next following the making up of such Roll, to fix the place for holding the first election of Councillors for such Township, and to appoint a Returning Officer for holding the same, and otherwise to provide for the due holding of such election according to Law, on the first Monday in January of the year next but one following the making up of such Roll.]

16 Vic., cap. 181, sec. 2.

[II. And be it enacted, That in every case where any new Township hath been or shall be constituted out of a part or parts of any Old Township or Townships, or where any Townships united to any other Township or Townships shall be separated therefrom, (such Township so separating for the purpose of this section, to be considered a new Township,) it shall be the duty of the Returning Officer for such new

Returning Officer at Municipal

election for any new Township, during the first year, to procure a correct copy of the Collector's Roll.

How such copy shall be verified.

Who shall be qualified to be elected Councillors of such new Township, or to vote at such elections.

Township, at any election of Councillors to be held in the same during the first year after it shall have been constituted, to procure a correct copy or copies of the Collector's Roll or Rolls for such Old Township or Townships for the year next before that in which such Election shall be holden, so far as any such Roll contains the names of Male Freeholders and Householders rated upon such Roll in respect of rateable real property, lying in such new Township, with the amount of the assessed value of such real property for which they shall be respectively rated on any such Roll, and each such copy shall be verified by the affidavit or affirmation of the Collector or other person having the legal custody of the original Roll for the time being, and also by that of the Returning Officer, to be appended to or endorsed upon such copy, which affidavit or affirmation shall be taken respectively before any Justice of the Peace for the County, or other Officer having authority to administer an oath or affirmation for any purpose under the said Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, and shall be to the effect that such copy is a true copy of such Roll, as far as the same relates to such new Township, and to all Male Freeholders and Householders rated upon such Roll, in respect of rateable real property, lying in such new Township, with the amount of the assessed value of the real property for which they are so rated respectively; and the persons qualified to be as Councillors for such new Township or to vote at the election of such Councillors, shall be those and those only who shall appear by such Roll or Rolls to be rated in respect of real property lying in such new Township, and who shall be respectively qualified by the nature, value and tenure of such real property, to be elected as Councillors, or to vote at elections of Councillors as the case may be, under the provisions of the 22nd section of the Upper Canada Municipal Corporations' Act of 1849, as amended by the Upper Canada Municipal Corporations' Law Amendment Act of 1851, or by this Act.]

14th and 15th Vic. Cap. 109., Sec. 36.

Provision as to proper alterations in the remaining Township, for elections, &c., Rural Wards, &c.

Proviso as to majority to pass the By-Law.

Proviso: Com-

[Sec. XIII. And be it enacted, That whenever any Junior Township attached or united to another as hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipality of such Union of Townships, if they shall deem it expedient so to do, by a By-law to be passed for that purpose within the first nine calendar months of the following year, to divide the remaining Township or Townships of such Union anew into rural Wards, to fix the place for holding the first election of Councillors in each of such Wards after the dissolution of such Union, and to appoint Returning Officers for holding the same, and otherwise to provide for the due holding of such elections as nearly as may be in the manner prescribed in and by the eighth, ninth and tenth preceding sections of this Act: Provided always, nevertheless, firstly, that such By-law need not be passed by a vote of [four-fifths] of the members for the time being of such Municipality as required with respect to some of such particulars by the proviso to the said eighth section of the Municipal Corporations Act of 1849, but shall be valid and effectual for all purposes whatever if passed by a majority of such Municipality in the usual way; Provided also, secondly, that every such By-law shall contain a provision limiting it to come into force and take effect upon, from and after the first day of January, upon which such Union shall be dissolved, and not before.]

mencement of By-law.

[V. And be it enacted, That upon the dissolution of any such Union of Townships as aforesaid, such Junior Township shall remain liable to all the debts and loans created or contracted by the Township or Union of Townships from which such Junior Township shall have been separated, according to the provisions of the 177th section of the Municipal Corporations' Act of 1849, and of the amendments thereof, to the like extent and in the like manner as a Junior County, on its separation from the County or Union of Counties with which it was united, remains liable to the similar debts and loans of such Union; and all the several provisions of the 18th, 19th and 20th sections of the Upper Canada Municipal Corporations' Law Amendment Act of 1851, shall apply between such Junior Townships and the Township or Union of Townships from which it is separated, as between a Junior County and the Senior County or Counties from which it shall have been separated.]

16th Vic., Cap. 181, Sec. 5.

Junior Townships to remain liable to the Creditors of the former Union.

Provisions of Sec. 18, 19 and 20, 14th and 15th Vic., Cap. 109, to apply.

[IV. And be it enacted, That within three months after the first meeting of the Municipal Council of such former Junior Township, such Municipal Council shall enter into an agreement with the Municipal Council of the Township or Union of Townships to which such Junior Township was united, for the adjustment and settlement of the portion, if any, of any debt due by such Union of Townships before such separation, and which it may be just that such Junior Township on its separation from such Union should take upon itself, with the time or times of payment thereof; and every such agreement so entered into shall both in law and equity be and continue to be binding upon such Junior Township and the Township or Townships from which it shall be separated: Provided always, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt to be assumed by such Junior Township, shall be settled by the award of three arbitrators, or the majority of them, to be appointed as follows, that is to say, one by the Municipal Council of such Senior Township or Union of Townships, and the other by the Municipal Council of such Junior Township, and the third by such two Arbitrators thus appointed; or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days next after their own appointment, then by the Warden of the County within which such Townships are situate. Provided also, secondly, that in case either such Municipal Council shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Warden of the County to appoint on the part and behalf of such Municipal Council so neglecting or omitting to appoint such Arbitrator, who shall in such case have all the powers as if he had been appointed by such Municipal Council: And provided also, thirdly, that every such submission and award shall be subject to the jurisdiction or either of Her Majesty's Superior Courts of Common Law for Upper Canada, in like manner as if the same were by bond with an agreement therein, that such submission might

16th Vic., Cap. 181, Sec. 4.

Council of New Townships, to enter into agreement with that of the Senior Township, respecting debts of the former Union.

Proviso for arbitration, if the two Councils do not agree: Arbitrators how to be appointed.

Proviso: If either Council shall omit to appoint one Arbitrator within a certain time.

Proviso: Award to be subject to the Superior Courts of Law for U. C.

Proviso: portion assumed by a Junior Township to be a debt due by it to the Senior Township.

be made a Rule of either of those Courts. And provided also, fourthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such Junior Township to the Township or Townships from which it shall have been disunited, and shall bear legal interest from the day on which the Union shall be actually dissolved, as by law provided, and its payment shall be provided for by the Municipal Council of such Junior Township after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.]

Provision as to elections if the proper alterations have not been made, &c.

XIV. And be it enacted, That whenever a new Division into Wards shall not have been made by the Municipality of any Union of Townships according to the preceding 13th section of this Act, in anticipation of the dissolution of such Union, and in consequence of the whole of any one or more of the rural Wards of any such Union of Townships lying wholly within the limits of any Junior Township of such Union, the other Township or Townships of such Union, upon the dissolution of such Union as provided for by this Act, shall be left without a sufficient number of Wards for completing the number of Councillors to which it or they shall be entitled according to the provisions of this Act, the elections of Councillors for such Senior or remaining Township or Townships, shall, after the dissolution of such Union, be made by general vote of the qualified freeholders and householders of the whole of such Senior or remaining Township or Townships at a general Township meeting, to be held for that purpose at the time appointed by law, and not by rural Wards, as theretofore, until the Municipality of such Senior or remaining Township or Townships shall, by a By-law to be passed for that purpose, have redivided such last mentioned Township or remaining Townships into rural Wards according to the provisions of this Act; Provided always, nevertheless, that whenever nothwithstanding the dissolution of any such Union, parts of the Wards of which such Junior Township, or some portion thereof formed a part, shall still remain to such Senior or remaining Township or Townships, the election of Township Councillors for the same shall not be by such general vote of such Township, but by Wards as before.

Proviso: if parts of Ward remain in the Senior Township.

Number of Rural Wards in each Township.

XV. And be it enacted, That in every case in which any Township shall be divided into rural Wards under this Act, the same shall be so divided into five of such Wards.

13th and 14th Vic., Cap. 64, sec. 16.

[Sec. XVI. And be it enacted, That whenever any Township so attached or united to another shall have within it [one hundred] resident freeholders and householders on the Collector's Roll, such

Township shall, [for the year next but one following] the making up such roll and thenceforth be incorporated by itself, and such Township, and that to which it shall have been so united shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships.]

When a Township united to another shall be incorporated by itself.

No part of Cities, &c., to form part of Townships; nor shall Township elections be held there.

XVII. And be it enacted, That no part of any incorporated City, or of the liberties thereof, or of any Incorporated Town or Village, although lying within the boundaries of a Township, shall for the purposes of this Act, be held to form any part of such Township, nor shall it be lawful to appoint any election of Township Councillors to be held within the limits of any such City, or the liberties thereof, or within the limits of any such Incorporated Town or Village.

Continuation in office of present Officers, &c., of Townships.

XVIII. And be it enacted, That without any new election, the officers and persons elected or appointed in each and every Township in Upper Canada, or to be elected or appointed under the laws now in force therein, shall continue in office until the fourth Monday of January, in the year of our Lord, one thousand eight hundred and fifty, and until their successors shall be elected and sworn into office.

As to elections in Townships not divided into Rural Wards.

XIX. And be it enacted, That if the Municipal Council of, any District in Upper Canada shall not think fit within the term and the manner prescribed for that purpose, to divide any Township into rural Wards, as provided by this Act, then and until such Township shall be divided into such Wards by the Municipality thereof, the election of Councillors for such Township shall be by the votes of the electors of the whole Township at a general Township meeting, to be held at the place where the last annual Township meeting, for the election of District Councillors and the appointment of parish and Town Officers was held in each Township, or in the case of Townships united or attached to each other, as aforesaid, then at the place where the last annual meeting for such purposes was held in the Senior Townships to which such other Township or Townships shall or may be attached or united as aforesaid, and such place shall continue to be the place for holding such elections under this Act in such Township until it shall be otherwise appointed by the Municipality thereof by any By-law or By-laws to be passed for that purpose : Provided always nevertheless, firstly, that it shall not be lawful in any such By-law to appoint such place of election within the limits of any Incorporated Village, Town or City, or the liberties thereof ; and provided also, secondly, that when the place at which the last Township meeting shall have been held previous to the passing of this Act, shall be within the limits or liberties of any City, Town or Incorporated Village within the mean-

Proviso as to places of election.

Proviso; if the last election was in a City, &c.

ing of this Act, it shall be the duty of the Municipal Council of the District wherein the same is situated at such special meeting as aforesaid, to appoint by By-law some place within such Township and without the limits of such City, Town or Village for the holding of the first election of Township Councillors for such Township under this Act.

Who shall be Returning Officer in such case.

XX. And be it enacted. That in all cases in which the election of Councillors for any such Township shall be by general vote of the whole Township at a general Township meeting as aforesaid, and not by Ward elections as hereinbefore provided for, the Township Clerk for such Township, whether appointed under this Act or before the passing thereof, shall be the Returning Officer for holding election.

Election of Township Councillors when to be held.

XXI. And be it enacted, That on the first Monday in January, in the year of our Lord, one thousand eight hundred and fifty, and on the first Monday in the same month, in each succeeding year, there shall be held an election either by general Township meeting or by Wards for Township Councillors for each Township in Upper Canada.

16 Vic., cap. 181, sec, 10.

Returning Officer for every Township or Rural Ward to procure copy of Collection Roll, &c.

[X. And be it enacted, That the following section shall be substituted for the repealed twenty-second section, as amended of the Act first above cited, and shall be read as part of the said Act ; "And be it enacted, That it shall be the duty of the Returning Officer for every such Township or rural Ward to procure a correct copy of the Collector's Roll for such Township or Ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male Freeholders and Householders rated upon such Roll, in respect of rateable real property lying in such Township or Ward, with the amount of the assessed value of the real property for which they shall be respectively rated on such Roll, which copy shall be verified by the affidavit or affirmation of such Collector, or of such other person as may have the legal custody of the original Roll for the time being, and also by that of such Returning Officer, to be appended to or endorsed upon such copy, and which affidavit or affirmation shall be taken respectively before any Justice of the Peace for the County or other officer having authority to administer an oath or affirmation for any purpose under this Act, and which affidavit or affirmation shall be to the effect (but if made by a Returning Officer, may be so far varied as to state the same according to the best of his knowledge and belief,) that such copy is a true copy of such Roll as far as the same relates to such Township or Ward, and that it contains the names of all male freeholders or householders rated upon such Roll in respect of rateable real property lying in such Township or Ward, with the amount of the assessed value of the real property for which they are so rated respectively ; and no person shall be qualified to be elected a Township Councillor, at any such Election, who shall not be a Freeholder or Householder of such Township at the time the

Certain persons only qualified to vote.

Assessment was taken, and at the time of such Election seized or possessed of real property held in his own right, or that of his wife, as proprietor or tenant thereof, which shall be rated in his name on such Collector's Roll, in the case of a Freeholder to the amount of One Hundred Pounds or upwards, and in the case of a Householder to the amount of Two Hundred Pounds or upwards; and the persons entitled to vote at such election shall be the Freeholders and Householders of such Township or Ward, whose names shall be entered on the said Roll as rated for rateable real property held in their own right or that of their wives respectively, as proprietors or tenants thereof, and who at the time of such election shall be resident in such Township or Ward; Provided always, nevertheless, firstly, that the occupant of a house built of logs, whether hewn or unhewn, shall be considered a householder within the meaning of this Act, in case he shall be rated therefor as a Householder upon such Collector's Roll as aforesaid; Provided also, secondly, that the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a Householder within the meaning of this Act, in case he shall in like manner be rated therefor as a Householder upon such Collector's Roll as aforesaid; Provided also, thirdly, that whenever both the owner and occupant of any such real property shall be rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section; And provided also, fourthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated, shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male Freeholder or Householder whose name shall appear on such Roll as one of the joint owners or occupants of such real property, shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated, shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then, none of such owners or occupants shall be deemed a person rated within the meaning of this section."

Proviso: as to Log-houses.

Proviso; as to having a separate street entrance.

Proviso; Owner and Occupant to be qualified if rated high enough.

Proviso: as to property held jointly.

XXIII. And be it enacted, That at each of the said yearly Township elections, there shall be elected either by a general Township vote or by Wards, five Councillors for the Township, who shall hold office until the third Monday in January, in the year next after that for which they shall have been elected.

Five Councillors to be elected annually.

XXIV. And be it enacted, That the Township Clerk, whether appointed under this Act, or before the passing thereof, or in case of there being no such Township Clerk, then any one of the Councillors returned at such Election shall, when no place is appointed for that purpose by By-law of the Municipality of such Township, appoint the place for the first meeting of the newly elected Municipality after such Election, which meeting shall be held on the second Monday next after such Election, or if not held on that day, then on some day thereafter,

Place and time of meeting of newly elected Municipality.

of which appointment he shall give notice to the Member or other Members of the Municipality; and at such first meeting the Councillors shall proceed to elect from amongst themselves a Townreeve, and in Townships which shall have five hundred resident freeholders and householders on the Collector's Roll as aforesaid, one Deputy-Townreeve for such Township for such year.

Election of a Town Reeve.

Adjournment of meetings.

XXV. And be it enacted, That the said Township Municipalities shall and may severally adjourn their meetings, from time to time, at their pleasure, and the Townreeve, or in case of his death or absence, the Deputy Townreeve, shall have power at any time to summon a special meeting thereof.

Meetings to be held in such places as Municipality shall appoint.

XXVI. And be it enacted, That the meetings of each Township Municipality shall be held at such place within the Township as they shall themselves, from time to time, appoint by adjournment, or by any By-law to be passed for that purpose.

Who shall preside at meetings.

XXVII. And be it enacted, That the Townreeve shall preside at all meetings of the Township Municipality, or in his absence the Deputy Townreeve when there is one, except only when there shall be no Townreeve or Deputy-Townreeve, in which case some other member of such Municipality to be appointed by them for that purpose, shall preside in such Municipality.

13 & 14 Vic., cap. 64, sec. 1. Appointment of Assessors and Collectors.

[Sec. XXVIII. And be it enacted, That the Municipality for each Township shall, so soon as conveniently may be after their own election or appointment, nominate and appoint [such and so many Assessors and Collectors for the said Township as shall or may be permitted or prescribed (as the case may be) by the Laws for the assessment of property, and the levying and collecting of rates for local purposes, in force in Upper Canada for the time being,] and that the said Assessors and Collectors shall hold office from the time of their appointment respectively, until the third Monday in January of the year next after their appointment as aforesaid, and until the Municipality of such Township shall appoint new Assessors or a new Collector in their place, or in the place of any one of them, and in case of a vacancy in the office of any Assessor or Collector by death or removal of residence from the Township, the Township Municipality shall fill up the vacancy by a new appointment, at its then next meeting, or as soon thereafter as conveniently may be.]

Term of office.

As to vacancies.

Audit of accounts

XXIX. And be it enacted, That the Municipality of each Township shall, upon the Report of the Auditors of the Township, finally audit and allow all accounts chargeable against the Township, and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable, and they shall in like manner also audit and allow the accounts of the Township Treasurer and of the Township Collector, except so far as respects any County Rate collected by such Collector. Exception.

XXX. And be it enacted, That the boundary lines of the different Townships in Upper Canada shall hereafter be ascertained and established upon a permanent footing, under the authority of an Act of the Parliament of that Province, passed in the thirty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province*, or under the authority of any Act of the Parliament of this Province, to be passed in the present or any future session of Parliament for that purpose, upon the application of the Municipality of each Township respectively, or as such other Act may direct, and not upon that of the Quarter Sessions of the Peace, as required by such first mentioned Act: Provided always, nevertheless, that no application of freeholders shall be necessary to enable such Municipality to make the necessary application for such purpose.

Boundary lines of Townships to be permanently established, and how.

Act of U. C. 38 G. 3, c. 1.

Proviso.

XXXI. And be it enacted, That the Municipality of each of the Townships in Upper Canada, shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say:

Municipalities to make by-laws for certain purposes.

Firstly. For the purchase and acquirement of all such real and personal property within the Township as may be required for the use of the inhabitants thereof as a Corporation, and for the sale and disposal of the same, when no longer required.

Purchase of real property.

Secondly. For the erection, security, preservation, improvement or repair of a Town Hall, and of all other houses and buildings required by or being upon any land acquired by or belonging to such Township as a Corporation.

Town Hall.

Thirdly. For the purchase and acquirement of such real property as may be required for Common School purposes, for building Common School Houses, and for the sale and disposal of the same when no longer required, and providing for the establishment and support of Common Schools according to Law.

School House.

Fourthly. For the erection and establishment of one or more Public Pounds in such Township, and settling the Fees to be taken by Pound-Keepers.

Public Pound.

Fifthly. For the appointment, under the Corporate Seal of such

Pound-keepers, Fence-viewers, and other Township officers.

Township, of a sufficient number of Pound-Keepers, Fence-Viewers, Overseers of Highways, Road Surveyors, and of such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipality of such Township, and in like manner to displace all or any of them and appoint others in their room, and to add to or diminish the number of them or any of them as often as the said Corporation shall see fit.

Duties of Township officers.

Sixthly. For regulating and prescribing the duties of all Officers acting under the authority of the Corporation of such Township, and the penalties on their making default in the performance of such duties.

Their remuneration.

Seventhly. For settling the remuneration of all Township Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipality provided and appointed for all Township Officers whatsoever.

Bonds, &c., to be given by them.

Eighthly. For regulating the bonds, recognizances or other securities to be given by all Township Officers for the faithful discharge of their duties; for inflicting reasonable penalties for refusing to serve in any Township Office, and for the infringement of any and every By-law of the Municipality of the Township.

Drains and water courses.

Ninthly. For the erection, construction or repair of such drains and water courses as the interests of the inhabitants of such Township shall in the opinion of the Municipality require to be so erected, constructed or repaired at the public expense of such Township.

14 & 15 Vic., cap. 109, sec. 31. Highways, roads, &c.

[Sec. XXXI.' *Tenthly.* For the opening, constructing, making, leveling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication within such Township, [or between such Township and any adjoining Township, City, Town or incorporated Village, and for entering into, performing and executing any arrangement or agreement with the Municipal Corporations of any such adjoining Township, City, Town or incorporated Village, for the execution of any such work at the joint expense, and for the joint benefit of the Municipal Corporations of such Township, City, Town or Village, and the people they represent respectively,] and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road,

Proviso as to encroachments on certain kinds of property.

street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling-house, barn, stable, or outhouse or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.]

Highways passing through woods.

Eleventhly. For providing, that on each side of any highway, which shall pass through a wood, the timber shall be cut down for a space not exceeding twenty-five feet on each side of such highway, by the proprietor of the land on which such timber shall be, or in his default by the overseer of highways or other officer in whose division such land shall lie, such timber to be removed by the proprietor within a time to be appointed by the By-law, or in his default by such overseer of highways or other officer, in which last mentioned case it may be used by the overseer or other officer as aforesaid, for any purpose connected with the improvement of the highways and bridges in his division, or sold by him to defray the expenses incurred in carrying the By-law into effect; Provided always, that no such By-law shall authorize or compel the cutting down of any orchard or shrubbery, or of any trees planted expressly for ornament or shelter.

Proviso as to orchards, &c.

Protection of Timber, Stone, sale of Timber, &c.

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel, growing or being upon any allowance or any appropriation for any public road or roads within such Township, and for the sale of any timber growing or being upon any road allowance, if thought proper, by the Council.

Driving over bridges.

Thirteenthly. For regulating the driving and riding on or over any bridge erected or to be erected within such Township.

Inns, taverns, victualling houses, &c.

Fourteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries, and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Township, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Township may seem expedient; the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Township, and to be disposed of as the said Corporation may consider advisable.

Licensing in certain cases.

14 & 15 Vic., cap. 109, sec. 31.
Pits, Precipices, &c.

[Sec. XXXI. *Fifteenthly.* For making regulations as to pits,precipices, and deep waters, (or other places dangerous to travellers,for regulating or preventing the Fishing with nets or seines, or the erection of wires for eels or other fish in any stream, river, or water course within such Township or such part of any stream, river or water course, as may be within such Township.]

Granting of money for improving roads, &c.

Sixteenthly. For granting money to the Municipal Council of the County in which such Township shall be situate, or to that of any adjoining County, to aid the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication lying between such Township and any other Township in the same or any adjoining County, or in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication within such Township, assumed by the Municipal Council of the County as a county work, or agreed to be assumed by such Municipal Council on the condition of such grant.

13 & 14 Vic., cap. 61, sec. 1. Joint Stock Road Companies, &c.

[SEC. XXXI. *Seventeenthly.* For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, [to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other works in Upper Canada," permission to proceed] with any Roads or Bridges within the jurisdiction of such Municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.]

Taking Stock in Road or Bridge Companies.

Eighteenthly. For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipality shall have granted a license to proceed with such work, in accordance with the requirements of the Statute in that behalf, or in or to any other such incorporated Road or Bridge Company, in whose Road or Bridge the inhabitants within the jurisdiction of such Municipality shall, in the opinion of such Municipality, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize.

As to dividends, Interest, &c.

All dividends, interest and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipality, and to go in reduction of the rates required to be levied for such purposes.

Running at large of animals.

Nineteenthly. For restraining and regulating the running at large of horses, cattle, sheep, goats, swine, and other animals, geese, turkeys and other poultry, and to impound or provide for the impounding of the same, and for fixing the periods of the year during which such animals or poultry shall be permitted to run at large, and those during which they shall be restrained from doing so.

Tax on Dogs.

Twentiethly. For imposing a tax on the owners, possessors or harbourers of dogs; for regulating the manner in which such dogs may be allowed to run at large, or for preventing such dogs from being allowed to run at large at improper times, and for killing and destroying such as are found running at large contrary to such By-law.

Destroying Dogs.

Twenty-firstly. For the destroying and suppressing the growth of weeds detrimental to good husbandry.

Destruction of weeds.

Twenty-secondly. For preventing, restraining or regulating exhibitions of wax figures, wild animals, puppet shows, wire-dancing, circus-riding, and other idle acts or feats which common showmen, circus-riders, mountebanks or jugglers usually exhibit, practice or perform, and requiring the payment of a sum not exceeding five pounds to the Township Treasurer before any and every such exhibition shall be allowed to be held or to take place; for imposing a fine upon the proprietors or persons in charge of such exhibition, in case they shall exhibit without such payment, and for the levying thereof by summary distress, to be levied upon the goods and chattels of such showmen, or belonging to such exhibition, whether the owners shall be known or not, or for the imprisonment of the parties offending, for any time not exceeding one calendar month, and for the appropriation of such sums as may be received or recovered under any regulation or By-law to be passed for that purpose.

Exhibitions, puppet shows, wild animals, &c.

Fines for exhibiting contrary to such By-laws.

Twenty-thirdly. For appraising the damages to be paid by the owners of horses, cattle and other animals trespassing, contrary to the By-laws or regulations of such Township.

Damages payable by owners of animals trespassing.

Twenty-fourthly. For causing such horses, cattle or other animals as shall be impounded, to be sold, in case the same are not claimed within a reasonable time, or in case the damages, fines and expenses shall not be paid according to such By-laws or regulations.

Sale of animals impounded.

Twenty-fifthly. For settling the height and description of lawful fences.

Height and description of fences.

Twenty-sixthly. For procuring, in case the same hath not been already done, the ascertaining and establishment by public authority according to law, of the boundary lines of such Township, and providing for the periodical inspection and preservation of the durable monuments by law required to be erected for evidencing the same, and for procuring the necessary estimates, and making the necessary application for the same according to law.

Establishment of boundary lines.

Twenty-seventhly. For empowering the landholders in such Township, to compound for the Statute labour by them respectively performable, for any term not exceeding five years, at any rate not exceeding two shillings and six pence for each day's labour, and at any time before the labour compounded for ought to be performed, and by

Compounding for Statute labour.

any such regulations to direct to what officer in each Township such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which the Statute labour shall be performed.

Applying composition money.

14 and 15 Vic., cap. 109, sec. 31.

Enforcing Statute labour.

[SEC. XXXI. *Twenty-eighthly.* For enforcing the performance of Statute or Road Labour, or payment of a commutation [in money therefor. Provided always, nevertheless, that the power by this and the next preceding sub-section conferred, shall not extend, or be construed to extend, to the statute labour or the commutation money, payable instead thereof, of any person residing upon or whose lands are bounded by any Township line or road between two or more Townships in the same County, or between such County and any adjoining Counties or County, or between one or more Townships, and any City, Town or incorporated Village lying on the bounds or within the boundaries of such County.]

14 & 15 Vic, cap. 109, sec. 31.

Fines and Penalties.

[SEC. XXXI. *Twenty-Ninthly.* For the imposing and collecting, by distress and sale of the goods and chattels of the offender or offenders, reasonable penalties and fines not exceeding in any case five pounds, currency, and reasonable punishment by imprisonment either in any Lock-up House in any Town or Village situate within the Township or in the County Gaol or House of Correction for any period [not exceeding twenty days, and either with or without hard labour, in case of non-payment of any such fine, and there being no distress found out of which the same may be levied for the breach,] of all or any of the By-laws or regulations of such Municipality.]

Borrowing moneys.

Thirtiethly. For borrowing under the restriction, and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the executing of any Township public work within their jurisdiction, and the scope of the authority by this Act conferred upon them.

Raising and levying moneys.

Thirty-firstly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any Township bridge, road, or other township work, to defray the expense of making, repairing, or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such Township, liable to assessment according to any law which shall be in force in Upper Canada, concerning rates and assessments.

Local regulations not contrary to law.

Thirty-secondly. For making such other local regulations not contrary to any law of this Province, or to any By-law of the Municipal Council of the County within which such Township shall lie, and which shall by law extend to and be in force within such Township as the good of the inhabitants of such Township may in their opinion require.

Repeal, &c., of By-laws.

Thirty-thirdly. For the repeal, alteration, or amendment, from time to, time, of all or any of such By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Township.

16th Vic., Cap. 181, Sec. 9.

Additional powers to Municipalities.

[IX. And be it enacted, That in addition to the powers now possessed by the Municipalities of the several Townships in Upper Canada, they shall have the power and authority from time to time to make a By-law or By-laws for each, all and every of the following purposes, that is to say :

Taxing particular portions of the Township for special purposes;

Firstly. For levying by assessment on all of the rateable property within a particular part or portion of the Township, to be described by Metes and bounds in such By-Law, in addition to all other taxes rated on such property, such sum of money as may be sufficient to defray the expense of constructing, improving, or repairing any Road, Bridge, or other Public improvement within the portion of the Township, the limits of which are to be described as aforesaid; but no such By-Law shall be passed unless upon an application in writing, under the hands of at least two-thirds of the resident Freeholders and Householders rated on the Assessment-Roll of such Township, representing in value at least one-half of the rateable property within the limits to be affected by such By-Law; and that a printed notice of such application, with the names of the signers thereto, describing the limits within which the By-Law is to be in force, shall be given for at least one month, by putting up the same in four different places within such limits, and at the place for holding the sittings of the Township Council for such Township, whether it be within such limits or not, and also by inserting the same weekly, for at least four weeks, in some newspaper published within the County.

Preliminary application and notice required.

Levying Poor Rates.

Secondly. For levying, collecting and appropriating a rate, to be assessed equally on the whole rateable property of such Township, for raising such moneys as may be considered necessary for the support of any indigent, infirm, or helpless persons resident in such Township. But no By-Law for such purpose shall be made or passed, unless upon a written request to that effect, signed by a majority of the Freeholders and Householders on the Assessment-Roll of the Township for the year in which such request shall be made, nor unless for at least one month previous to the passing of such By-Law, printed copies of such request, with the names of the signers thereto, shall have been put up in at least four public places within such Township, and at the usual place for holding the meeting of the Township Municipality, and also by inserting the same weekly, for at least four weeks, in some newspaper published within the County.

Preliminary application and notice required.

Preventing cruelty to animals on highways.

Thirdly. For preventing the excessive beating, or cruel and inhuman treatment of animals on the public highways of such Township.

Remuneration of Councillors.

Fourthly. For settling and paying a rate at which the Township Councillors forming such Municipal Council shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-Law to be passed for that purpose after the year of our Lord, 1854, shall be valid, unless the same shall, by the terms of it, be limited

Proviso: By-law not to take effect until after a certain time.

to take effect at the end of two whole years, at least from the passing thereof, and not before.

Granting requisite powers to Gas and Water Companies.

Fifthly. For granting authority to any Company, now or hereafter to be incorporated, for supplying any City or Town with Water or Gas, to lay down pipes or conduits for the conveyance of such Water or Gas, under any of the highways of the Municipality, subject to such restrictions, limitations, and regulations, as to such Municipal Council may seem meet.

Granting authority to Railway Companies to make Branches.

Sixthly. For granting authority to any Railway Company to make any branch Railway within the Municipality, which such Company may by law be authorized to make with the consent of the Municipality, and for authorising such branch to be constructed upon any property of the Municipality, or upon any public highway within the same, under such conditions and limitations as to the Council of such Municipality may seem meet.

13th & 14th Vic., Cap. 109, Sec. 35.

Responsibility of Municipality if any of its By-laws, &c., be quashed.

[XXXV. And be it enacted, That whenever any By-law, Order and Resolution shall be or has been passed or adopted by any Municipality whatever, and such By-law, Order or Resolution has been or shall be quashed, or declared illegal or void by any Court having competent jurisdiction therein, the Municipality by which such By-law, Order or Resolution has been or shall be passed, shall alone be responsible in damages for any act or acts done or committed under such By-law, Order or Resolution, and any Clerk, Constable or other Officer acting thereunder, shall be freed and discharged from any action or cause of action which shall accrue or may have accrued to any person or persons by reason of such By-law being illegal and void, or having been quashed, and such Municipality shall pay all costs and expenses attending the quashing of any such By-law; and the Superior Courts of Common Law shall also have full power and authority to grant or refuse costs in their discretion in any case in which application shall be or may have been made for any Writ of *Mandamus* for or against any Municipal Corporation, which costs, when granted to either party, shall be taxed and allowed in the same manner as between party and party.]

Court may grant or refuse costs in a certain case; the same to be taxed.

II. COUNTIES.

Counties incorporated.

Corporate powers.

XXXII. And be it enacted, That the inhabitants of each and every County in Upper Canada, shall be a Body Corporate, and shall have perpetual succession and a Common Seal, with power to break, renew or alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever,—of purchasing, acquiring and holding lands and tenements and other real and personal property within such county, for the use of the inhabitants thereof in their corporate capacity,—and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that the powers of the Cor-

How exercised.

poration shall be exercised by and through and in the name of the Municipal Council of such County.

16th Vic., Cap. 181, Sec. 13.

Who shall constitute the County Council.

Proviso: Certificate to be filed by Reeves.

Proviso; and by Deputy Reeves: also affidavit.

[XIII. And be it enacted, That the following section shall be substituted for the repealed thirty-third section as amended of the Municipal Corporations' Act of 1849, and shall be read as part of the said Act: "And be it enacted, That the Town Reeves and Deputy Town Reeves of the several Townships, Villages and Towns within such County, shall constitute the Municipal Council for such County; Provided always, nevertheless, firstly, that no Town Reeve shall be entitled to take his seat in such Mnnicipal Council until he shall have shall have filed with the Clerk of such Municipal Council a certificate under the hand and seal of the Town Clerk of the Township, Village or Town for which he shall be entitled to sit in such Municipal Council, of his being duly elected, and taken the oath of qualification and office, as such Town Reeve; And provided also, secondly, that no Deputy Town Reeve shall be entitled to take his seat in such Municipal Council, until he shall have filed a similar certificate with the Clerk of such Municipal Council, and also an affidavit or affirmation of the Collector or of such other person as shall have the legal custody of the Collector's Roll or Rolls of such Township, Village or Town for the previous year, and sworn or affirmed before some Justice of the Peace for the County, to the effect that such Roll or Rolls contains or contain the names of at least 500 resident Freeholders and Householders in such Township, Village or Town as they appear upon such Roll or Rolls."]

Meetings of County Municipal Councils.

As to Cities.

Special meetings.

XXXIV. And be it enacted, That the Municipal Council of each County shall meet at the Shire Hall, if there be one, or otherwise at the County Court House annually, on the fourth Monday in January, or if not on that day, then on some day thereafter, and their meeting may be adjourned from time to time, and to the same place, or to any other place within the County, or any City lying within the boundaries of such County, although such City may be a County in itself for municipal or other purposes, or within the liberties of any such City, and any Municipal Council may hold special meetings, (to be summoned at any time by the County Warden) at the place where the then last meeting of such Council shall have been held; and such special meetings may be adjourned from time to time, and to the same place, or to any other place within the County as aforesaid.

14th & 15th Vic., Cap. 109, Sec. 34.

Election of County Warden.

[Sec. XXXV. And be it enacted, That the Municipal Council of each County shall, at their first meeting on or after the fourth Monday in January in each year, choose from amongst themselves a County Warden, who shall thenceforth preside at all [meetings of such Municipal Council; Provided always, nevertheless, that in case of an equality of votes on any such election of County Warden, the member of such Municipal Council present at such election, who shall be the Reeve, (or in his absence the Deputy Reeve, if there be one, and he be present) for the Township, Town or Village which shall have had the greatest number of freeholders and householders upon the Collector's Roll thereof for the next preceding year, shall have a second or casting vote in such election; and in the event of there being more than one of such Townships, Towns or Villages having a greater number of freeholders or householders on their respective Collector's Rolls than the rest, but as amongst themselves an equal number of such freeholders and householders, it shall be decided by lot between the Reeves or Deputy Reeves of such Townships, Towns and Villages having such equality, which of them shall have the second or casting vote on such election, and such Reeve or Deputy Reeve shall have such second or casting vote accordingly.]

Keeping and repairing of Shire Hall, &c., to be charged upon each County

XXXVI. And be it enacted, That the keeping and repairing of the Shire Hall, County Court House and Gaol, and of any House of Correction that may be erected and established by the Municipal Council, shall be charged upon each County in Upper Canada, and it shall be the duty of the Municipal Council to cause the same to be repaired and kept in repair at the expense of the County, and to raise by rate upon the County all sums of money which shall be necessary for such purposes, and for every other purpose, the expense whereof shall be by law chargeable upon the County.

Duty of Council with respect to properly repairing highways, bridges, &c., assumed as County Roads or Bridges, &c.

XXXVII. And be it enacted, That whenever any new or existing highway, road, street, bridge or other communication within any Township, shall by any By-law of the Municipal Council of the County in which such Township is situate, be assumed by such Municipal Council as a County road or bridge as being one in which more than one Township or the whole County is interested, it shall be the duty of such Municipal Council, and they are hereby required with as little delay as reasonably may be, and at the expense of the County, to cause such road to be planked, gravelled or macadamized, or such bridge to be built in a good and substantial manner, and from the time of the passing of the By-law assuming such road or bridge as a County work as aforesaid, and so long as the same shall remain unrepealed, the Municipalities of the Townships in which such road or bridge shall be situate, shall cease to have any jurisdiction or control over the same or any part thereof as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection or preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use thereof: Provided always, nevertheless, that the mere laying out of County money upon any road lying between any two or more Townships for the improvement thereof, or exercising the other powers by this Act conferred upon them with respect to such line roads, shall not be deemed an assumption of the

Powers of Minor Municipalities to cease as to the same.

Proviso: certain improvements not to constitute such assumption.

same as County roads, so as to render it obligatory upon the said County, to cause the same to be planked, graveled or macadamized as hereinbefore provided, and this notwithstanding that the line of such roads may occasionally deviate from its course between such Townships, or any two of them, so as in some places to lie wholly or in part within one of such Townships only.

XXXVIII. And be it enacted, That all roads and bridges running, lying or being between different Townships, situate in the same County, shall be exclusively within the jurisdiction and subject to the control of the Municipal Council of such County as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection and preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating, the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such Townships, and in some parts thereof may lie wholly within one of such Townships.

Roads and Bridges between different Townships to be under jurisdiction of Counties through which they run.

XXXIX. And be it enacted, That all roads and bridges running, lying or being between different Counties or between a County and a City lying within the boundaries of such County or on the bounds of a Town or Incorporated Village within such County, shall be within the jurisdiction and subject to the control of the Municipal Corporations of both such Counties, or of such County and City or Town and Village as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such Counties or such County and City, or along the bounds of such Town or Village, and in some parts thereof lie wholly within one or the other of such Counties, City, Town or Village, and no By-law to be passed by any of such Municipal Corporations with respect to any such road or bridge, for any of the purposes aforesaid, shall have any force or effect whatsoever until the passing of a By-law in similar or corresponding terms as nearly as may be by the other of such Corporations.

Roads and Bridges between two Counties, &c., to be under the jurisdiction of both.

As to By-laws regarding the same.

XL. And be it enacted, That the Municipal Council of each County shall, upon the report of the Auditors of the County, finally audit and allow all accounts chargeable against the County: and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable;

Audit of accounts chargeable against County.

And of Treasurers and Collectors.

and they shall in like manner also audit and allow the accounts of the County Treasurer, and of the Collectors of the several Townships within their County, so far as the accounts of such Collectors shall relate to County purposes.

Councils may make By-laws for certain purposes.

XLI. And be it enacted, That the Municipal Council of each County shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say:

Purchase of Real Property.

Firstly. For the purchase and acquirement of all such real and personal property, within the County, as may be required for County purposes, and for the sale and disposal of the same when no longer required.

Erection, &c., of Shire Hall and other county buildings.

Secondly. For the erection, preservation, improvement or repair of a Shire Hall, Court House, Gaol, House of Correction, House of Industry, and of all other Houses and other buildings required by or being upon any land acquired by or belonging to such County as a Corporation.

Erection, &c., of land for School Houses, &c.

Thirdly. For the purchase and acquirement of such real property as may be required for County Grammar School purposes, and for the erection, preservation, improvement and repair of County School Houses for the use of Grammar Schools in such parts of the County, or within any City or the liberties thereof, lying within the boundaries of such County, as the wants of the people most require, for the sale and disposal of the same when no longer required, and for making such provision in aid of such Grammar Schools as they may deem expedient for the advancement of education in the same.

Making a provision for the expenses of Pupils attending in the University of Toronto, &c., whose parents are unable to incur such expenses.

Fourthly. For making some permanent provision for defraying, out of the public funds of such County, the expense of the attendance at the seat of the University of Toronto, and of that of Upper Canada College, and Royal Grammar School there, of such and so many of the Pupils of the different Public Grammar Schools of such County, as shall be desirous of, and in the opinion of the respective Masters of such Grammar Schools shall be of competent attainments for entering into competition for any of the Scholarships, Exhibitions or other similar Prizes offered by such University or College to competition amongst such Pupils, but which Pupils from the inability of their Parents or Guardians to incur the necessary expense of such attendance, might otherwise be deprived of the opportunity of competing for the same.

Endowment of Fellowships in the University of Toronto, &c.

Fifthly. For the endowment of such and so many Fellowships, Scholarships, Exhibitions and other similar Prizes in the University of Toronto, or in Upper Canada College and Royal Grammar School there, to be open to competition amongst the Pupils of the different public Grammar Schools of such County, as they shall deem expedient for the encouragement of Learning amongst the youth of such County.

[*Sixthly.* For the appointment [under the Corporate Seal of such County Council, one or more County Engineers, one or more Inspectors of the County House of Industry, one or more Overseers of Highways, Road Surveyors, and such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipal Council of such County, and in like manner to displace all or any of them, and appoint others in their room, and to add to or diminish the number of them, or any of them, as often as the said Corporation shall see fit.] 13 and 14 Vic., cap. 64, sec. 36. Appointment of County Officers.

Seventhly. For the settling the remuneration to all County Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipal Council provided and appointed for all County Officers. Remuneration of County Officers.

Eighthly. For regulating all Ferries between any two places in such County, and for establishing the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such Ferries, but no By-law for any such purpose shall have any force or effect until the same shall have been assented to by the Governor of this Province in Council. Regulation of Ferries, &c. Proviso:

Ninthly. For settling and paying a rate at which the Townreeves and Deputy Townreeves forming such Municipal Council shall be remunerated for their attendance at such Council: Provided, always, nevertheless, that no By-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid, unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof. Remuneration of Townreeves. Proviso as to commencement of such By-law.

Tenthly. For the erection, construction or repair of such drains and water courses as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so erected, constructed or repaired at the public expense of such County. Erection, &c., of drains.

[*Eleventhly.* For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing planting, improving, preserving and maintaining of any new 13 and 14th Vic., cap. 109, sec. 36. Opening, making and repairing roads, &c.

Agreeing with Municipalities as to such work.

Proviso as to encroachments on certain kinds of property.

or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication running, lying or being within one or more Townships or between two or more Townships of such County, or between such County and any adjoining County or City, or on the bounds of any Town or Incorporated Village lying within the boundaries of such County, as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so opened, constructed, made, widened, changed, diverted, levelled, pitched, raised, lowered, gravelled, macadamized, planked, repaired, planted, improved, preserved [or maintained at the public expense of such County ; and for empowering the handholders residing upon, or where lands are bounded by any such highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, to compound for the statute labour by them respectively performable for any term not exceeding Five years, any any rate not exceeding Two Shillings and Six Pence for each day's labour, and at any time before the labour compounded for ought to be performed, and by any such regulations to direct to what officer of such County such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which such statute labour shall be performed,] and for entering into, performing and executing any arrangement or agreement with the Municipal Corporation of any such adjoining County or Counties, City or Cities, or of any such Town or incorporated Village as aforesaid, for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporation of such Counties, Cities, Towns or Villages and the people they represent respectively ; and for the stopping up, pulling down, widening altering, changing or diverting of any such highway, road, street, bridge or communication within the same ; Provided, always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable, or out-house, or through any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.]

Protection of timber, &c.

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel growing or being upon any allowance or appropriation for any of such County roads.

Regulation of driving on Bridges.

Thirteenthly. For regulating the driving and riding on or over any County bridge erected or to be erected under the authority of such Municipal Council.

Prevention of immoderate driving on Highways, &c.

Fourteenthly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways in such County, whether such highways be Township or County roads.

Regulations as to Pits, &c., near Roads.

Fifteenthly. For making regulations as to pits, precipices and deep waters, or other places dangerous to travellers in the immediate neighbourhood of any County Road or Bridge.

Sixteenthly. For granting to any Town, Township or Village, in such County, by way of loan or otherwise, such sum or sums of money in aid of such other moneys as may be raised by the Municipal Corporation of such Town, Township or Village, or by voluntary subscription, for or towards the making, opening or erecting of any new road or bridge in such Town, Township or Village in cases where such Municipal Council shall deem such Town, Township or Village work of sufficient importance to justify the affording such assistance to it, with a view to the general interest possessed by the County at large in such Town, Township or Village, and yet where such work is not of a character, in their opinion, to justify them, in at once assuming the same as a County work to be executed wholly at the expense of the County at large.

Granting loans to Towns, Townships, &c., in the County.

Seventeenthly. For attaching any new Township or Townships within such County not having a sufficient population for a separate Municipal organization of their own under the provisions of this Act, to such of the older Townships of such County as they shall deem best for the convenience of the inhabitants of such new Township or Townships, and for thus forming them into a Union of Townships for the purpose of such Municipal organization.

Attaching Townships to others.

[*Eighteenthly.* For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, [to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada," permission to proceed] with any roads or bridges within the jurisdiction of such Municipal Council, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.]

13 and 14 Vic., cap. 64, sec. 1. Granting licenses to Road or Bridge Companies.

Nineteenthly. For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipal Council shall have granted a license, to proceed with such work in accordance with the requirements of the Statute in that behalf, or in or to any other such Incorporated Road or Bridge Company in whose road or bridge the inhabitants within the jurisdiction of such Municipal Council shall in the opinion of such Municipal Council be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprise; all dividends, interests and proceeds to arise or be received from such stock or loan being at all

Taking Stock in Road or Bridge Companies.

As to Dividends, Interest, &c.

times applicable to the general purposes of such Municipal Council, and to go in reduction of the rates required to be levied for such purposes.

Fines.

Twentiethly. For the imposing fines not exceeding in any case ten pounds, currency, for the breach of all or any of the By-laws or Regulations of such Municipal Council.

Borrowing moneys.

Twenty-firstly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any County work within their jurisdiction and the scope of the authority by this Act conferred upon them.

Levying moneys.

Twenty-secondly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any County Bridge, road or other public work, to defray the expense of making, repairing or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such County liable to assessment, according to any law which shall be in force in Upper Canada concerning Rates and Assessments.

Repealing or amending By-laws.

Twenty-thirdly. For the repeal, alteration or amendment from time to time of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such County.

16th Vic., cap. 181, sec. 14. County Council may levy Assessments on particular portions of the County for special purposes.

[XIV. And be it enacted, That in addition to the powers now possessed by the Municipal Councils of Counties and Unions of Counties in Upper Canada, the Council of any such Municipality shall have power to make a By-law or By-laws for levying by assessment on all the rateable property within any particular parts or portions of two Townships, to be described by metes and bounds in such By-law, in addition to all other taxes rated on such property, such sum of money as shall be sufficient to defray the expense of making, maintaining, repairing or improving any Road, Bridge or other public work lying between such parts or portions of such two Townships, and by which the inhabitants of such parts or portions will be more especially benefited, but no such By-law shall be passed, except upon the application in writing, under the hands of at least two-thirds of the resident rate-payers, representing at least one-half in value of the rateable property within those parts or portions of such two Townships, which are to be affected by such By-law; and that a printed notice of such application, with the names of the signers thereto, describing the limits within which such By-law is to be in force, shall be given for at least one month, by posting up such notice in four different places within such limits, and at the places for holding the sittings of the Township

Preliminary application and notice required.

Notice to be given.

Councils for each of the Townships interested, and also by inserting the same weekly, for at least four weeks in some newspaper published in the County, if any there be, and if not, then in some newspaper published in some adjoining County.]

III. POLICE VILLAGES.

County Municipal Councils may define limits of villages, &c.

XLII. And be it enacted, That it shall and may be lawful for the Municipal Council of any County, by By-law to be passed upon the petition of any number of the inhabitants of any unincorporated Village or Hamlet, situate in such County, or for the Municipal Councils of any two or more Counties, upon any such petitions from the inhabitants of any unincorporated Village or Hamlet situate partly within one of such Counties and partly within another or others of them, to define the limits within which in respect to such Village or Hamlet there is, in the opinion of such Municipal Council or Municipal Councils, a resident population sufficient to make it expedient that the provisions of this Act for the regulation and Police of unincorporated Villages should be applied to such Village or Hamlet, and in every such By-law such Municipal Council or Councils, shall fix the place in such Village or Hamlet, where the first annual election of Police Trustees, under the authority of this Act, shall be held for such Village, the person who shall preside at such meeting, and the hour at which such meeting shall be opened for that purpose.

And fix place of first election, &c.

Meeting for election of Police Trustees.

XLIII. And be it enacted, That on the second Monday in January next after the end of three calendar months from the passing of such By-law or By-laws, as the case may require, and annually, on the second Monday of January in each and every year thereafter, until such Village shall be incorporated under the provisions of this Act, it shall and may be lawful for the resident freeholders and householders of such unincorporated Village to assemble at the time and place appointed for that purpose, and to proceed to elect from among themselves three Police Trustees for such Village, which three Trustees, or any two of them, by a Memorandum in writing under their hands to be filed with the Township Clerk of the Township in which such Village is situate, or when such Village is situate within two or more Townships, then to be filed with the Township Clerk of some one of such Townships, shall within a reasonable time after the election, nominate and appoint one of their number to be the inspecting Trustee of such Village.

Appointment of Inspecting Trustees.

Township Collector to deliver a copy of the roll of freeholders and householders to the person presiding at the election.

XLIV. And be it enacted, That it shall be the duty of the Collector and Collectors of the Township or Townships within which such unincorporated Village shall be situate, whether appointed under this Act or before the passing thereof, to deliver to the person appointed to preside at any such election, or to any person by him appointed to receive the same, a fair copy of the Collector's Roll made up next before such election, so far as such Roll contains the names of the resident freeholders and householders of such unincorporated Village, with the amount for which they shall be assessed upon such Rolls; which copy shall be verified by affidavit or affirmation appended to, or endorsed upon such copy, and sworn or affirmed before any Justice of the Peace for the County, to the effect, that the same is a true copy of such Roll, so far as relates to the unincorporated Village for which such election is to be held, and that it includes the names of all the resident freeholders and householders in such unincorporated Village, and the amount for which they shall have been assessed as entered upon such Roll, and the persons entitled to vote or be elected at such election shall be those whose names are upon the said Roll or Rolls thus verified, and who shall continue at the time of the election to be resident in such Village: Provided always, firstly, that the holder or occupier of any separate portion of a house having a distinct communication with a road or street, by an outer door shall be considered a householder within the meaning of this Act, in case he shall be assessed therefor, as a house upon such Collector's Roll or Rolls as aforesaid: And provided also, secondly, that no person shall be qualified to be elected at any such election of Trustees who shall not have been entered upon such Roll or Rolls as aforesaid, for rateable property held in his own right or that of his wife as proprietor or tenant, to the value of one hundred pounds of lawful money of Canada.

Attestation of such copy.

Proviso as to Tenants of parts of houses.

Proviso as to qualification of electors.

Appointment of persons to preside at annual elections.

XLV. And be it enacted, That at every subsequent annual election of Police Trustees for such unincorporated Village after the first, the person to preside at such election, and the hour at which the same shall commence, shall be appointed by the Trustees for the preceding year or any two of them under their hands, of which due notice shall by them be given by written or printed notices thereof, to be put up in at least three of the most public places in such unincorporated Village.

Provision in case of absence of persons appointed to preside at election.

XLVI. And be it enacted, That if at the time and place appointed for any first or subsequent election of Trustees, for any such unincorporated Village, the person appointed to preside thereat shall not attend within one hour after the time appointed for commencing the proceedings, the resident inhabitant freeholders and householders of such Village, or a majority of them may, if they think proper, proceed to nominate a person to preside at such meeting, and the election of Trustees for such year shall be held by such person, as if he had been the person appointed by the Municipal Council of the County or by the Trustees for the preceding year as aforesaid.

Provision in case of vacancy among the Police Trustees.

XLVII. And be it enacted, That upon the happening of any vacancy by death or otherwise, amongst the Police Trustees of any such unincorporated Village in the course of the year for which they shall have been elected, it shall and may be lawful for the remaining Trustee or Trustees by a memorandum in writing, to be filed with such Township Clerk as aforesaid, to supply such vacancy by the appointment of Trustees or a Trustee in their or his place, which Trustees or Trustee so appointed, shall hold his office to the end of the term of office of the person in whose place he shall have been appointed, and no longer, and shall, during the time he shall hold the same, possess all the authority of such person.

Penalty against Trustees for neglect of duty.

XLVIII. And be it enacted, That any Inspecting or other Trustee of any of the said unincorporated Villages, who shall wilfully neglect or omit to fulfil any of the duties hereby imposed upon him, or to prosecute any offender against the Regulations of Police hereinafter established, for such unincorporated Villages, at the request of any inhabitant householder, offering to adduce proof of the offence, shall, on being thereof convicted in manner hereinafter provided, incur a penalty of twenty shillings, currency.

Penalties to be sued for within a certain time.

XLIX. And be it enacted, That the penalties prescribed in and by the next immediately preceding section of this Act, or under that for the establishment of Regulations of Police for such unincorporated Villages, shall be sued for within ten days after the offence for which they shall have been incurred shall have ceased, and not afterwards.

Penalties to be sued for and recovered by Inspecting Trustee.

L. And be it enacted, That all penalties incurred by any person or persons, under any of the Regulations of Police, by the next succeeding section of this Act, established for such unincorporated Villages, shall be sued for and recovered by the Inspecting Trustee of Police of such Village, or in his absence, or when he shall be the party complained against, then by some other of such Trustees before any one Justice of the Peace having jurisdiction and residing within five miles of such Village, if any there be, or else before any other Justice of the Peace having jurisdiction as such, in such Village, who shall hear and determine such information in a summary manner, and upon the oath or affirmation of one or more credible witnesses, and shall cause such penalty to be levied by distress and sale of the goods of the offender; and the whole of such penalty shall be applied to the repairs and improvement of the streets and lanes of such Village, under the direction of the Police Trustees thereof, and by the Pathmaster or Pathmasters of the division or divisions to which such Village shall belong, to whom or such of them as shall be appointed by such Trustees for that purpose, such penalty shall be paid over for that purpose.

How levied.

How applied.

Police regulations to be enforced with respect to— LI. And be it enacted, That it shall be the duty of the Police Trustees of every such unincorporated Village to execute and enforce, and cause to be executed and enforced, within the limits of such Village, the Regulations of Police herein and hereby provided and established for all such Villages, that is to say:

Ladders on roofs; *Firstly.* All and every the proprietors and proprietor of a house or houses of more than one story in height, in any of the said Villages, shall place or cause to be placed a ladder or ladders on the roof of their respective houses, near to or adjoining the chimney or chimneys thereof, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid, under the penalty of five shillings currency, for every neglect so to do, and of ten shillings currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders as aforesaid.

Buckets; *Secondly.* All and every householder or householders in the said Village shall be held to furnish and provide himself or themselves with two buckets, fit and proper for carrying water, in case of accidents by fire, under the penalty of five shillings currency, for each bucket which may be deficient.

Bakers, Brewers, &c. *Thirdly.* It shall not be lawful for any baker, potter, brewer, manufacturer of pot and pearl ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of any of the aforesaid Villages, unless the same adjoin and be properly connected with a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, and three feet higher than any building within one chain of the said oven or furnace, under a penalty which shall not exceed ten shillings currency, and for non-compliance with this regulation, the offender shall incur a penalty of fifteen shillings currency, for each week during which he shall neglect to comply therewith.

Stove pipes; *Fourthly.* It shall not be lawful for any person in any of the said Villages to conduct any stove pipe through any wooden or lathed partition or through any floor, unless there be a space of six inches between the pipe and the partition or floor, or the nearest wood-work, and the pipe of every stove shall be inserted into a chimney, and there shall be left at least ten inches in the clear between any stove and any wooden or lathed partitions, or other wood-work, and each and every person offending against this regulation shall incur a penalty of ten shillings currency.

Entering certain places with candles, &c. *Fifthly.* Any person or persons who shall enter into any mill, barn, outhouse or stable within the limits of any of the said Villages with a lighted candle or lamp, without having the same well inclosed in a lantern, shall for every such offence incur a penalty of five shillings currency, and any person or persons who shall enter into any mill, barn, stable or out-house, within the limits of any of the said Villages, with a lighted pipe or cigar, or carry fire not properly secured into such barn, stable, or out-house, shall for every such offence incur a penalty of five shillings currency.

Sixthly. No person or persons shall be allowed to light or have a fire in any wooden house or out-house, of any description, within the limits of any of the said Villages, unless the same be in a brick or stone chimney, or in a stove of iron or other metal, under a penalty of five shillings currency, for each offence.

Lighting fires in wooden houses, &c.

Seventhly. All and every person or persons who shall carry or convey fire into or through any street, lane, yard, garden or place, in any of the said Villages or cause fire to be so carried or conveyed without having the same confined in some copper, iron, or tin vessel, shall for every such offence, incur a penalty of two shillings and sixpence currency, and for every subsequent offence of a like nature, a further penalty of five shillings currency.

Using vessels for conveying fire;

Eighthly. Any person or persons who shall put or cause to be put or placed any hay, straw or fodder, in any dwelling house, within the limits of any of the said Villages, shall incur a penalty of five shillings currency for the first offence, and a penalty of ten shillings currency for every week during which he or she shall neglect to remove the said hay or straw from the said dwelling house.

Hay, Straw, &c., in dwelling houses;

Ninthly. All and every person or persons who shall keep or have gunpowder for sale, in any of the said Villages, shall keep the same in boxes of copper, tin or lead; and for every omission or neglect so to do, such person or persons shall incur a penalty of twenty shillings for the first offence, and forty shillings for every subsequent offence.

Keeping of Gunpowder;

Tenthly. Any person or persons in any of the said Villages, who shall sell or permit gun-powder to be sold at night in his or their houses, store-houses or shops, out-house or other building, shall on being thereof convicted, incur a penalty of forty shillings currency for every first offence, and of sixty shillings currency, for every subsequent offence.

Sale of Gunpowder at night;

Eleventhly. Any person or persons who shall in any of the said Villages keep or deposit any ashes or cinders of any kind, (ashes in the possession of manufacturers of pot and pearl ashes excepted,) in any wooden vessel, box or other thing not lined or doubled with sheet iron,

Deposit of Ashes, &c.

tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall for every such offence incur a penalty of five shillings currency.

Quick lime;

Twelfthly. Any person or persons who shall in any of the said Villages place or deposit any quick or unslacked lime in any house, out-house or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall for every such offence incur a penalty of five shillings currency, and a further penalty of ten shillings currency, for each day until such lime shall be removed or secured, to the satisfaction of such Inspecting Trustee, and in such manner as not to cause any danger of accident by fire.

Lighting fires in streets;

Thirteenthly. Any person who shall light a fire in any of the streets, lanes, or public places of any of the said Villages, shall for every such offence incur a penalty of five shillings currency.

Charcoal furnaces;

Fourteenthly. No person or persons shall erect or cause to be erected any furnace for making charcoal of wood within the limits of any of the said Villages, under a penalty of twenty shillings currency.

Filth, Rubbish, &c.

Fifteenthly. All and every person or persons who shall throw or cause to be thrown any filth, rubbish or ordure, into any of the streets, lanes, or public places within the limits of any of the said Villages, shall, for every such offence, incur a penalty of two shillings and six pence currency, and of five shillings currency for every week during which they shall neglect to remove the same, after notification to that effect by the Inspecting Trustee, or some other person authorized by him for that purpose.

IV. INCORPORATED VILLAGES.

Inhabitants of Villages mentioned in Schedule A. incorporated.

LII. And be it enacted, That the inhabitants of every Village in Upper Canada, mentioned in the Schedule to this Act annexed marked A, and intituled "Incorporated Villages," and the inhabitants of each and every other Village, Hamlet or place which shall hereafter by Proclamation under the Great Seal of this Province be erected into an Incorporated Village in the manner prescribed by this Act, shall be a Body Corporate apart from the Township or Townships in which such Village shall be situate, and as such shall have perpetual succession and a Common Seal, with such powers within the limits of such Village as are by this Act conferred upon the inhabitants of the different Townships in Upper Canada within the limits of such Townships respectively, and the powers of such Corporation shall be exercised by, through, and in the name of the Municipality of such Village.

Corporate powers

Election of Township Councillors, &c.

LIII. And be it enacted, That on the first Monday in January in each year, and in case of Villages hereafter to be erected and incorporated by Proclamation as aforesaid on the first Monday in January next after the end of three calendar months from the *teste* of such Proclamation, and on each succeeding first Monday in January thereafter, there shall be held an election by voters qualified in like manner with the voters at elections of Township Councillors, for five Councillors for each of such Villages; and a Townreeve for each of the said Villages shall be thereafter elected from amongst the Councillors of such Village, in like manner as Townreeves are appointed by this Act to be chosen or elected for every Township as aforesaid.

Election of a Townreeve.

Appointment of Returning Officer.

LIV. And be it enacted, That in each of the said Villages which has been heretofore incorporated, whether under the name of Town or Village, or for which there have been Police Trustees appointed, the Clerk of the Board of Police or Town Clerk, or the Inspecting Trustee, as the case may be, shall be the Returning Officer for the first election to be held under this Act, and at each succeeding election the Village Clerk of such Village, for the time being, shall be the Returning Officer.

Case in which the Governor may appoint a Returning Officer.

LV. And be it enacted, That in case of an election in any Village where there shall not have been a Clerk of the Board of Police or a Town Clerk, or an Inspecting Police Trustee, or which shall not have been before incorporated, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold the first election for such Village under this Act.

Places of holding election, and notice thereof.

LVI. And be it enacted, That the Returning Officer for every such Village shall appoint the place for holding such Village election, of which appointment he shall give notice, by posting the same at least ten days before the election, in at least three public places in such Village.

14 and 15 Vic., cap., 57. Returning Officer to procure certified copy of Collector's Roll.

[LVII. And be it enacted, That it shall be the duty of the Returning Officer for every such Incorporated Village to procure a correct copy of the Collector's Roll for such Village, for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male Freeholders and Householders rated upon such Roll, in respect of rateable real property lying in such Village, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of the Collector's Rolls for Township Elections, as hereinbefore provided; and no person shall be qualified to be elected a Village Councillor at any such Election who shall not be a Freeholder or Householder of such Village, seized or possessed of real property, held in his own right, or that of his wife, as proprietor or tenant thereof, which shall be rated on such Collector's

Qualification of Village Councillors.

Roll in the case of a Freeholder, to the amount of Ten Pounds per annum or upwards, and in the case of a Householder to the amount of Twenty Pounds per annum or upwards; and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so assessed, either in fee or freehold, or for a term of one year and upwards, situate within such Village. And the persons entitled to vote at such Election shall be the freeholders and householders of such Village, whose names shall be entered on the said Roll as rated for rateable real property held in their own names, or that of their wives respectively, as proprietors or tenants thereof, to the amount of Three Pounds per annum or upwards, and who, at the time of such Election, shall be resident in such Village; Provided always, nevertheless, Firstly, That it shall not be necessary that the property qualification of such Village Councillors or voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient as above required; and provided also, Secondly, that the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Act, in case he shall be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Thirdly, that the occupant of any separate portion of a house having a distinct communication with a public road or street by an outer door, shall also be considered a householder, within the meaning of this Act, in case he shall in like manner be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Fourthly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section; and provided also, Fifthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case every male whose name shall appear on such roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient if so divided to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this section.]

Qualification of voters in incorporated villages.

Proviso as to property.

Occupant of house.

When owner and occupant rated.

Joint owners.

Provision with respect to the incorporation of Villages in which the population shall increase to a certain number.

LVIII. And be it enacted, That when and so often as any Police or other Village, Hamlet or place in Upper Canada not incorporated by name under this Act, together with the immediate neighbourhood thereof, shall be found by the Census Returns for the same to contain over one thousand inhabitants whose residences are or shall be collected within a convenient neighbourhood or proximity to each other, to form an Incorporated Village, it shall and may be lawful for the Police Trustees of such Village, if the same shall be a Police Village, or for any number of resident freeholders or householders of such Village, Hamlet or place, in case it shall have no Police Trustees, not less than

Petition to the Governor.
Action upon such petition.
Incorporation and corporate powers.

one hundred, to petition the Governor of this Province that such Village, Hamlet or place, may be erected into or set apart as an Incorporated Village, and the inhabitants thereof incorporated under this Act; and upon such petition, it shall be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, erecting or setting apart such Village, Hamlet, or place, into or as an Incorporated Village, by a name to be given in and by such Proclamation, and to set forth in such Proclamation proper boundaries for such Village, including within such boundaries any portion of the Township or Townships which, from the proximity of streets or buildings therein, may conveniently be attached to such Village, Hamlet or place and when such Village shall have grown up on the confines of two or more Counties, so as to lie partly within the limits of each, to annex the whole of such Village as incorporated to some one of such Counties exclusively; and the inhabitants of such Village shall, on, from and after the first day of January next after the end of three calendar months from the *teste* of such Proclamation, be incorporated, and the said Village shall become an Incorporated Village apart from the Township or Townships in which it is situate, and the first election for such Village shall be held in the manner hereinbefore prescribed on the first Monday in that month, and such Village shall from thenceforth form a part of the County to which it shall have been so annexed as aforesaid, and shall be subject to the same regulations and provisions of Law, and shall have the same immunities and privileges as a Village named in the said Schedule to this Act annexed marked A, as fully as if such Village had been mentioned therein.

13th & 14th Vic., cap. 64, sec 1.
Duties and liabilities of Municipalities of Incorporated Villages to be similar to those of Township Municipalities.

[LIX. And be it enacted, That the Municipality of every such Village shall be formed in like manner, as the Municipality of any Township, and shall have all such powers, duties and liabilities within and in respect of such Village as the Municipality of any Township shall have in respect of such Township, [and the Townreeve and Deputy Townreeve, where from the number of freeholders and householders on the Collectors' Roll, such Village Municipality shall be entitled to elect such Deputy Townreeve] of every such Village, and the other Officers thereof, shall have like powers, duties and liabilities within and in respect thereof as the [Townreeve, Deputy Townreeve,] or other Officers of any Township shall have within and in respect of such Township, and the [Townreeve and Deputy Townreeve] of each of such Villages shall be a Member of the Municipal Council of the County in which the same is situated.]

Village Municipalities may also make By-laws for—

LX. And be it enacted, That the Municipality of each Village, which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say:

Opening, &c., roads, &c.

Firstly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, paving, flagging, repairing, planting, improving, preserving and maintaining any new or existing highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, or any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water and the shores and banks thereof within the jurisdiction of the Corporation of such Village, and for the entering into, performing and executing any arrangement or agreement with the Municipal Corporation of the County or Counties in which such Village may lie for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporations of such County or Counties, and of such Village and the people they represent; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge, or communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, sidewalk, crossing, alley, lane, bridge, or other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable, or out house, or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Proviso as to encroachments on private property of certain kinds.

Regulating Highways, &c.

Secondly. For regulating or preventing the encumbering, injuring, or fouling any such highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, and of any such wharf, dock, slip, drain, sewer and shore, bay, harbour, river or water by any animals, wheel-barrows, cabs, carts, carriages or other vehicles, vessels, craft, lumber, stone, building or other materials or things whatsoever, or in any other manner whatsoever.

Removing steps, projections, &c.

Thirdly. For directing and requiring the removal at any time of any door-steps, porches, railings or other erections, projections or obstructions whatsoever which may project into or over the boundary lines of any such highway, road, street, square, sidewalk, crossing, alley, lane, bridge or other communication, or of any such wharf, dock, slip, drain, sewer, shore, bay, harbour, river and water, or the shores and banks thereof, at the expense of the proprietor or occupant of the real property in or near which such projection or obstruction may be found.

Fixing boundary lines of Highways, &c.

Fourthly. For surveying, by competent persons, and fixing, marking, determining and settling the boundary lines of such highways, roads, streets, squares, alleys, lanes, bridges or other communications, and of all such public wharves, docks and slips, for giving names to the same, and affixing such names on boards or otherwise on the houses at the corners of the same.

Granting money to Counties by loan or otherwise.

Fifthly. For granting to the County or Counties in which such Village shall be situate, by way of loan, or otherwise, such sum or sums of money, in aid of such other moneys as may be raised by the Municipal Corporation of such County or Counties, or by voluntary subscriptions, for or towards the making, opening, or erecting of any new road or bridge on the bounds of such Village.

Regulating markets, &c.

Forestalling or monopoly, &c.

Weights and Measures.

Vehicles.

Unwholesome meats.

Sixthly. For regulating and managing any existing market, and for establishing, regulating, and managing any new market, for preventing the selling or vending by retail in the public highways any meat, vegetables, fruit, cider, beer or other beverage whatsoever; for regulating the place and manner of selling and weighing butchers' meat, hay, straw, fodder, wood, lumber and fish; for restraining and regulating the purchase and manner of selling all vegetables, fruit, country produce, poultry, and all other articles or things, or animals exposed for sale, or marketed in the open air; for preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables; for restraining and regulating the purchase of any such things by hucksters or runners living within such Village or within one mile distant from the outer limits thereof; for regulating the measurement, length and weight of coal, lime, shingles, laths, cordwood and other fuel; and for imposing penalties for light weight, or short count or measurement in any thing marketed; for appointing Inspectors for regulating weights and measures in the markets, and within such Village according to the lawful Standard, and for visiting all places wherein weights and measures, steelyards or weighing machines of any description are used within such Village, and for seizing and destroying such as are not according to such Standard; and for imposing and enforcing the collection of penalties upon any person or persons therein who shall be found in the possession of unstamped or unjust weights, measures, steelyards or other weighing machines, for regulating all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any highway, street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be paid; for seizing and destroying all tainted and unwholesome meat, poultry, fish, or articles of food; and for distraining butchers' meat for the rent of market stalls, and for selling the same after six hours' notice.

Regulating harbours, &c.

Seventhly. For regulating any harbour lying within the limits of such Village, and the vessels, crafts and rafts arriving in it; for imposing and collecting such reasonable harbour dues thereon as may serve to keep

Harbour dues, Beacons, &c.

such harbour in good order, and provide for the payment of a Harbour Master, and the erection and maintenance of the necessary beacons therein; for regulating and providing for the erection and rent of wharves, piers and docks in the said harbour, and for preventing the filling up or encumbering of any such harbour.

Wharves, &c.

Assize of bread.

Eighthly. For regulating the assize of bread, and preventing the use of deleterious materials in the making thereof; and for providing for the seizure and forfeiture of bread baked contrary thereto.

Observance of Sabbath, preventing vice, &c.

Ninthly. For enforcing the due observance of the Sabbath; for preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality and indecency in the streets or other public places, and for preserving peace and good order; for preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such Village; for preventing the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors; for suppressing and imposing penalties on the keepers of low tippling houses and houses of ill fame visited by dissolute and disorderly characters; for licensing and regulating victualling houses or other houses of refreshment where spirituous liquors are not sold; for the regulation of all public billiard tables, and for licensing, regulating or preventing bowling alleys or other places of amusement; for regulating or preventing, restraining or suppressing horse-racing and gambling houses, and for entering into them and seizing and destroying faro-banks, rouge-et-noir, and roulette-tables, and other devices for gambling; for restraining and punishing all vagrants, drunkards, vagabonds, mendicants and street beggars, and all persons found drunk or disorderly in any street or public place in such Village; for restraining or regulating the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions kept for hire or profit.

Cruelty to animals.

Tippling houses, &c.

Victualling houses, &c.

Gambling.

Vagrancy.

Exhibitions.

Public nuisances, &c.

Tenthly. For abating and causing to be removed all public nuisances; for regulating the construction of privy vaults; for causing vacant lots in central situations when they become nuisances to be properly enclosed; for regulating or preventing the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; for preventing the ringing of bells, blowing of horns, shouting and other unusual noises in the streets and public places; for preventing or regulating the firing of guns or other fire arms; for preventing or regulating the firing or setting off of fire balls, squibs, crackers, or fire-works; for preventing or regulating the washing or bathing in any public water in or near such Vil-

Use of Firearms.

Bathing.

lage; for preventing and punishing parties engaged in charivaries and other like disturbances of the peace; for preventing any indecent public exposure of the person, or other indecent exhibition whatsoever; for preventing profane swearing and the use of blasphemous, obscene, or indelicate language.

Charivaries, &c.

Obscene language &c.

Eleventhly. For establishing, maintaining and regulating one or more public lock-up-houses in and for such Village for the detention and imprisonment of all persons sentenced to an imprisonment of not more than ten days, under any of the By-laws of such Village, and of all other persons lawfully detained in custody for examination before a Justice of the Peace or other competent authority on any charge of having committed any offence against the Law or the By-laws of such Village, or detained for the purpose of his transmission to any common gaol or house of correction upon commitment or otherwise either for trial or in the execution of any sentence that may have been passed upon him, either by a Justice of the Peace or other competent authority in that behalf.

Lock-up houses, &c.

Twelfthly. For the establishing, protecting and regulating of public fountains, wells, pumps, cisterns, reservoirs and other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof; and for preventing the waste and fouling of public water.

Public fountains, &c.

Thirteenthly. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; and for erecting, regulating and providing for the support by fees of a Village Magazine for the storing of gunpowder belonging to private parties, and for compelling persons to store therein; for preventing or regulating the use of fire, lights, or candles in livery or other stables, cabinet-makers and carpenters' shops, and combustible places; for preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; and for regulating the mode of removal and requiring the safe keeping of ashes in proper deposits; for regulating, removing or preventing the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire; for regulating the construction of chimneys as to the dimensions and thickness, and the carrying of the same to a proper height above the roofs of buildings, and for enforcing the proper sweeping or cleaning of the same by licensed or other chimney sweepers; for guarding against the calamities of fire by regulating and enforcing the erection of party walls; for compelling the owners and occupants of houses to have scuttles in the roofs,

Gunpowder, &c.

Fire in certain places.

Ashes.

Chimneys.

Party walls.

Ladders.

and stairs and ladders leading to the same, and for authorizing the Officer to be appointed for that purpose to enter at all reasonable times or hours upon the property of any party subject to such regulations for the purpose of ascertaining that the same are properly obeyed; for requiring the inhabitants of such Village to provide so many fire-buckets, in such manner and time as they shall prescribe, and for regulating the examination of them and the use of them at fires; for regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property thereat; for making regulations for the suppression of fires and the pulling down or demolishing of adjacent houses, buildings or other erections for that purpose; for purchasing and establishing and regulating Fire, Hook, Ladder and Property Saving Companies; for providing medals or rewards for persons who shall distinguish themselves at fires, and for assisting the widows and orphans of persons who may be killed by accidents occurring at such fires.

Fire Buckets, &c.

Fire Companies.

Examining dwelling houses, &c., with respect to danger from fire.

Fourteenthly. For entering into and examining all dwelling houses, warehouses, shops, yards and outhouses, for ascertaining whether any such places are in a dangerous state, with respect to fire or otherwise, and for directing them to be put in a safe and secure condition; for appointing fire wardens and fire engineers; for appointing and removing firemen; for making such rules and regulations as may be thought expedient for the conduct of such Fire Companies, Hook and Ladder Companies and Property Saving Companies as may be raised with the sanction of the Corporation of such Village.

Health of the Village, &c.

Bills of mortality, &c.

Fifteenthly. For providing for the health of the Village and against the spreading of the contagious or infectious diseases; for regulating the interment of the dead, and for directing the returning and keeping of bills of mortality; and for imposing penalities on physicians, sextons and others for default in the premises; and for providing and regulating one or more Public Cemeteries for the interment of the dead.

Public Cemeteries, &c.

Sixteenthly. For laying out, improving and regulating any Public Cemetery for the burial of the dead that they may obtain and establish for such Village, and for selling or leasing such portions thereof as they may think proper, and for declaring in the conveyance thereof to the purchasers or lessees, the terms on which such portions are to be held, and for making such other regulations for the improvement, ornament and protection of such Cemetery as they may think necessary and proper.

Immoderate driving, &c.

Seventeenthly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways or streets of such Village;

and for preventing the leading, riding or driving of horses or cattle upon the side-walks of the streets of such Village, or other improper places therein.

Fishing with nets, &c.

Eighteenthly. For regulating or preventing the fishing with nets or seines, the use of fishing lights, or the erection or use of wires for eels or other fish in any harbour, river or public water within the limits of the jurisdiction of the Corporation of such Village.

Inns, Taverns, &c.

Nineteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Village, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Village may seem expedient, the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Village, and to be disposed of as the said Corporation may consider advisable.

Licensing in certain cases.

Injuring of Trees, &c.

Twentiethly. For preventing the injuring or destroying of trees planted or growing for shade or ornament in such Village, and for preventing the pulling down or defacing of sign boards.

Borrowing moneys.

Twenty-firstly. For borrowing under the restrictions, and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any village work within the jurisdiction and the scope of the authority by this act conferred upon them.

Levying moneys.

Twenty-secondly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate or rates to be assessed equally on the whole rateable property of such Village, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

By-laws for carrying their Corporate powers into execution.

Twenty-thirdly. For making all such other By-laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such Village, or in any Department or Office thereof, for the peace, welfare, safety and good government of such Village, as they may from time to time deem expedient, such By-laws not being repugnant to this or any other Act of the Parliament of this Province or of the Parliament of Upper-Canada, or to the general laws of that part of this Province: Provided always, nevertheless, firstly, that no person shall be subject to be fined more

General provision as to By-laws.

Proviso as to fines.

than five pounds, exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or regulation of such Village: And provided also, secondly, that no person shall be compelled to pay a greater fine than ten pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

Proviso.

Repealing or amending By-laws.

Twenty-fourthly. For the repeal, alteration or amendment from time to time of all or any of such By-laws and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such Village.

V. TOWNS.

Inhabitants of towns mentioned in Schedule B, &c., incorporated.

Corporate powers.

How exercised.

LXI. And be it enacted, That the inhabitants of each of the Towns mentioned in the Schedule to this Act annexed marked B, and entituled, "Towns," and the inhabitants of all such Villages in Upper Canada as shall be erected into Towns by and under any Proclamation to be issued in that behalf under this Act, shall severally be a Body Corporate, with the same Corporate powers as the inhabitants of Villages incorporated under this Act, except in so far as such powers may be hereby increased, lessened or otherwise modified, and such powers shall be exercised by, through and in the name of the Town Council of each of such Towns respectively.

Three Councillors to be chosen for every Ward.

LXII. And be it enacted, That for every Ward within the limits of any such Towns, there shall be chosen three Councillors by the male resident freeholders and householders of such Ward.

Election when to take place.

LXIII. And be it enacted, That the elections for each of the said Wards shall take place on the first Monday in January in each year.

Appointment of Returning Officer

Place of election to be fixed.

Elections to be held yearly.

LXIV. And be it enacted, That the Municipality, Town Council or Board of Police in office in each of the said Towns or Villages when this Act shall come into force, or who shall be in office when the Proclamation shall issue, erecting such Village into a Town as aforesaid, shall appoint a Returning Officer for each Ward, to hold the first election therein: and such Returning Officer shall fix the place for the said election, and give notice thereof by posting the same in at least three public places within his Ward, at least ten days next before the election; and that on the first Monday in January in every succeeding year, a like election shall be held, and the Returning Officers and places within each Ward for such elections shall be chosen and appointed by the Town Council in office next before such election, and public notice shall in like manner be given by such Returning Officer of the place of holding such election.

16 Vic. cap. 181, sec. 17, substituted for sec. 65, 12 Vic., cap. 81.

Returning Officers of Wards to procure copies of Collector's Rolls.

Who shall be qualified to be elected a Councillor.

[XVII. And be it enacted, That the following section shall be substituted for the repealed sixty-fifth section, as amended of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That it shall be the duty of the Returning Officer for each Ward of every such incorporated Town, to procure a correct copy of the Collector's Roll for such Ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders, and householders rated upon such Roll in respect of real property lying in such Ward, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collector's Rolls for Township Elections, as hereinbefore provided; and no person shall be qualified to be elected a Town Councillor at any such Election, who shall not be a freeholder or householder of such Town, seized or possessed of real property held in his own right, or that of his wife as proprietor or tenant thereof, which shall be rated in his name on such Collector's Roll, or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such Town for such next preceding year, in the case of a freeholder to the amount of Twenty Pounds per annum or upwards, and in the case of a householder to the amount of Forty Pounds per annum or upwards, and who shall not be seized or possessed to his own use, or that of his wife, of the real property for which he shall be so rated, either in fee or freehold, or for a term of one year or upwards, situate within such Town; and the persons entitled to vote at such Election shall be the freeholders and householders of the Ward for which such Election shall be held, whose names shall be entered on the Collector's Roll thereof for such next preceding year as rated for rateable real property, held in their own names, or that of their wives respectively, as proprietors or tenants thereof, to the amount of Five Pounds per annum or upwards, and who at the time of such Election shall be resident in such Town; and no person shall vote more than once at any such Election, and if resident in the Ward for which he was assessed, shall vote in that Ward: Provided always, nevertheless, Firstly, that it shall not be necessary that the property qualification of such Town Councillors or Voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient as above required: Provided also, Secondly, that the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Thirdly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section: And provided also, Fourthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case every male freeholder or householder whose

Who shall be entitled to vote at the election.

Proviso.

Proviso.

Proviso.

Proviso, as to joint owners or occupiers.

name shall appear on such Roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this section, but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be a person rated within the meaning of this section."]

Election of Mayor.

Town Council constituted.

Meetings.

LXVI. And be it enacted, That on the second Monday next after the said yearly election, the Councillors so elected in any Town shall meet and choose from amongst themselves a Mayor for such Town, who shall have the same powers within such Town as are hereinbefore vested in the Townreeve of a village; and the Mayor and Councillors shall form the Council of such Town; and the said first meeting shall be held at the place where the Municipality, Board of Police, or Town Council for such Town shall have held their usual meetings.

Powers, &c., of Town Council.

LXVII. And be it enacted, That the Council for such Town shall have all and singular the powers, duties and liabilities within and in respect of such Town which the Municipality of any Village incorporated under this Act may or can lawfully use or exercise therein.

Provision with respect to Gaol, Court House, &c.

LXVIII. And be it enacted, That the Gaol, Court House, and House of Correction of the County within the limits or on the borders of which every such Town shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such Town as well as of such County, and the Sheriff, Gaoler and Keeper of such County Gaol and House of Correction, shall be bound to receive and safely keep, until duly discharged, all persons committed thereto by any competent power or authority of such Town.

A Police Office established in each Town:

when the Mayor shall preside at it.

Proviso as to holy-days

Proviso with leave of the Mayor, another Magistrate may sit.

LXIX. And be it enacted, That there shall be in each of such Towns a Police Office, at which it shall be the duty of the Police Magistrate for such Town, or in his absence from sickness or other causes, or when there shall be no Police Magistrate for such Town, then it shall be the duty of the Mayor thereof to attend daily, or at such times and for such period as shall be necesary for the disposal of the business to be brought before him as a Justice of the Peace for such Town: Provided always, firstly, that no such attendance shall be required on Sunday, Christmas-day, or Good Friday, or on any day appointed by Proclamation for a Public Fast or Thanksgiving, unless in cases of urgent necessity; And provided also, secondly, that it shall and may be lawful for any Justice of the Peace having jurisdiction within such Town, at the request of the Mayor therof, to sit for such Mayor at such Police Office, in every of which cases the required attendance of the said Mayor at such Police Office shall be dispensed with.

LXX. And be it enacted, That the Police Magistrates for the several Towns which shall be or remain incorporated as such under this Act, shall be appointed by the Crown during pleasure; and every such Police Magistrate shall be *ex officio* a Justice of the Peace in and for the Town for which he shall be appointed, and in and for the County within or on the borders of which such Town shall lie, and shall receive a salary of not less than one hundred pounds per annum, payable quarterly out of the Municipal funds of such Town: Provided always, nevertheless, that a Police Magistrate shall not in the first instance be appointed for any of such Towns, until the Corporation of such Town shall have communicated to the Governor-General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer was required for the better conduct of the affairs of such Town and administration of justice therein.

Appointment of Police Magistrates.

Salary.

Proviso: Police Magistrate not to be appointed except upon petition of the Corporation.

LXXI. And be it enacted, That every such Police Magistrate shall have the power of suspending from the duties of his office any Chief Constable or Constable of the Town of which he is the Police Magistrate for any period in his discretion, and that immediately after such suspension, he shall report the same, with the cause thereof, if he deem such Chief Constable or Constable deserving of dismissal for the cause of such suspension, to the Town Council of such Town, and the Town Council thereof shall thereupon in their discretion dismiss such Chief Constable or Constable, or direct that he shall be restored to the duties of his office after the period of such suspension shall have expired, and during such suspension no such Chief Constable or Constable shall be capable of acting in his said office except by the express permission of the Police Magistrate of such Town in writing, nor shall such Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such Police Magistrate to appoint some fit and proper person to act as Chief Constable or Constable during the period of such suspension of any Chief Constable or Constable as aforesaid.

Police Magistrate may suspend Chief Constable.

Proviso as to temporary Chief Constable.

LXXII. And be it enacted, That all offences against the By-laws of any of the said Towns, and all penalties for refusal to accept or be sworn into office in such Towns, and all other offences over which one or more Justices of the Peace have or shall have jurisdiction, committed within any such Town, may be prosecuted and sued for, tried and recovered before the Police Magistrate of such Town, or when there shall be no Police Magistrate in such Town, then before the Mayor of such Town, such Police Magistrate or Mayor, as the case may be, acting either alone or assisted by one or more Justices of the Peace for such Town, as the case may require; and such Police Magistrate shall *ex*

Offences against By-Laws, &c., may be prosecuted before Police Magistrate or Mayor.

He shall be a J. P.

officio be a Justice of the Peace for such Town, and it shall be his duty and that of the Justices for such Town to be the conservators of the peace in and for the same.

14 & 15 Vic., cap. 109, sec. 81.
Power of Governor as to appointment of J. P. not affected.

[LXXV. And be it enacted, That nothing in this Act contained shall be construed to limit the power of the Governor of this Province to appoint under the Great Seal thereof, any number of Justices of the Peace for any such Town: Provided always, nevertheless, that no such appointment shall be held to limit, determine or otherwise interfere with the jurisdiction, powers, duties or liabilities of the Justices of the Peace for the County within which such Town shall be situate in respect of such Town, or in, over, or with respect to offences [committed within the same, except only so far as respects offences against the By-laws of such Town, and penalties for refusal to accept or be sworn into office in such Town, as to which latter offences and penalties, jurisdiction shall belong to the Police Magistrate or Mayor of such Town, as the case may be, and to the Justices of the Peace for such Town, and not to those of the County within which such Town shall be situate as aforesaid.]

Who shall be Clerks of Police Offices.
Their duties.

LXXIII. And be it enacted, That the Clerks of the Town Councils of the said Towns shall be Clerks of the Police Offices of such Towns, and perform the same duties and receive the same emoluments as now appertain to Clerks of Justices of the Peace in Upper Canada, unless by Act of the Town Councils of such Town another Officer be appointed for such purpose.

Appointment of Chief Constables, &c., to hold office during pleasure of Town Council.

LXXIV. And be it enacted, That there shall be in and for each of the Towns which shall be or remain incorporated as such under the authority of this Act, one Chief Constable, and one or more Constables for each Ward of such Town, who shall respectively hold their offices during the pleasure of the Town Council, but shall be liable to be suspended and dismissed as hereinbefore provided.

Oath of Office of Subordinate Officers, before whom to be taken

LXXVI. And be it enacted, That all oaths of Office of the Subordinate Officers of such Town, shall be taken before the Mayor or Police Magistrate thereof, or before any one of the Justices of the Peace for such Town, who are hereby authorized to administer the same.

Appointment of Townreeve, and Deputy-Townreeve.

LXXVII. And be it enacted, That it shall and may be lawful for the Town Council of each of the said Towns to select from among themselves one Townreeve, and when such Town shall have five hundred resident freeholders and householders on the Collector's Roll thereof, then also a Deputy-Townreeve for such Town, who shall be a Member of the Municipal Council of the County in which such Town is situate.

Appointment of Assessors and Collectors.

LXXVIII. And be it enacted, That the Town Council for each of the said Towns shall appoint three Assessors and one Collector for each

Ward of the said Town, whose duty it shall be to make assessments and collect taxes within such Ward, in like manner as the Assessors and Collectors in the several Townships aforesaid are to perform the same duties in the said Townships respectively; Provided always, firstly, that none of the Town Councillors shall be eligible to be appointed to such offices; and provided also, secondly, that no person shall be appointed such Assessor, unless he shall be rated on the Collector's Roll for the year preceding his appointment, to the amount of three hundred pounds and upwards.

Proviso.

Proviso as to qualification.

LXXIX. And be it enacted, That whenever any Incorporated Village in Upper Canada, shall be found by the Census Returns to contain within its limits upwards of three thousand inhabitants, then upon petition of the Municipality of such Village, it shall and may be lawful for the Governor of this Province by an Order in Council to issue a Proclamation, under the Great Seal of the Province, erecting such Village into a Town, and including within the boundaries thereof any portion of the Township or Townships within which it may be situate, which from the proximity of streets or buildings thereon may conveniently be attached to such Town and dividing the said Town into Wards by appropriate names and boundaries; but no Town shall be so divided into less than three Wards, and none of such Wards shall have less than five hundred inhabitants; and such Town shall have an election by Wards on the first Monday in the month of January next after the end of three calendar months from the *teste* of such Proclamation; and such Town shall, from thenceforth, be subject to the same regulations and provisions of law and shall have the same immunities and privileges as a Town named in the said Schedule to this Act annexed marked B, as fully as if such Town had been mentioned therein.

Proviso for the erection of an incorporated Village into a Town on certain conditions.

Number of Wards.

First election by Wards.

Privileges as a Town.

LXXX. And be it enacted, That the Town Council of any such Town shall be composed of the Councillors elected by and for the different Wards of such Town, and shall have all such powers, duties and liabilities within and in respect of such Town as the Municipality of any Village shall have in respect of such Village; and the Mayor of such Town and the other officers thereof shall have the like powers, duties and liabilities respectively within and in respect thereof as the Townreeves and other Officers of any Incorporated Village shall have within and in respect of such Village.

Town Council to be composed of Councillors elected for the different Wards: powers and duties.

LXXXI. And be it enacted, That the Town Council of each of the Towns, which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say:

Powers of Town Councils to make By-laws for—

Establishing Police.

Firstly. For establishing and regulating a Police for such Town; for establishing and regulating one or more Alms-houses and Houses of Refuge for the relief of the poor and destitute; for erecting and establishing and also providing for the proper keeping of any Work-house or House of Correction that may hereafter be erected in and for such Town; for regulating the erecting of buildings and preventing wooden buildings from being erected in thickly built parts of such Towns.

Work-house and house of correction.

Regulating erection of buildings.

Purchase of land for Industrial Farm, &c.

Secondly. For the purchase of such lands as they may deem necessary, for the purpose of an Industrial Farm for such Town, of not less than two hundred acres in extent within such convenient distance of such Town as they may deem expedient, and for erecting, or building thereon, such houses, buildings, yards and other inclosures as may be deemed proper for the purpose of such farm.

Lighting with gas, oil, &c.

Thirdly. For defraying out of the funds of such Town, if necessary, the expense of lighting the same or any part thereof with gas, oil or other substances, and the performing of any kind of work required for the purpose, and for obliging the proprietors or occupiers of real property to allow such work to be done, and such fixtures placed in or about their premises as may be necessary for that purpose; such work and fixtures to be done at the expense of such Town.

14 & 15 Vic., cap. 109, sec. 36.

Livery Stable licenses, &c.

Public conveyances.

[LXXXI. *Fourthly.* For regulating and licensing the owners of Livery Stables, Horses, Cabs, Hackney-coaches, Omnibuses, Carts and other Carriages used for hire in such Town, [And for establishing as well the amount to be paid into the Corporation Treasury for such license, as the rates,] of pay or hire, and to compel in a summary manner the prompt payment of the lawful fare or hire to the owner or driver of such Horses, Cab, Hackney Coach, Omnibus, Carts and other Carriages by the parties hiring or using the same, and for preventing runners, stage drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or vehicle.]

Assessments on real property for special improvements.

Fifthly. For assessing the proprietors of such real property in any such Town as may be immediately benefitted by such improvements, for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavement in any public highway, street, square or place immediately opposite or near to such real property, and for regulating the time and manner in which such assessment shall be collected and paid.

Or for sweeping and watering streets, &c.

Sixthly. For raising, levying and appropriating at and upon the petition of two thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of such town, such sum or sums of money as may be necessary to defray the expense of sweeping and watering such street, square, alley or lane by means of a special rate to be assessed equally on the whole rateable property in such street, square, alley or lane.

Borrowing moneys.

Seventhly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any town work within their jurisdiction and the scope of the authority by this Act conferred upon them.

Levying moneys.

Eighthly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property in such Town according to any law which shall be in force in Upper Canada concerning rates and assessments.

Making By-laws for carrying into execution powers herein vested, &c.

Proviso as to fines, for breach of By-laws.

For refusing office.

Ninthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereinafter to be vested in the Corporation of such Town or in any department or office thereof, for the peace, welfare, safety and good government of such Town as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always, nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days, for the breach of any By-law or regulation of such Town: And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

Repealing or amending of By-laws.

Tenthly. For the repeal, alteration, or amendment, from time to time, of all or any of such By-law or By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Town.

16th Vic., cap. 181, sec. 15.

Additional powers conferred on Cities and Town Councils.

XV. That the Common Council of each of the Cities, and the Town Councils of each of the Towns now or hereafter to be incorporated in Upper Canada, shall in addition to the powers they now possess, have further power and authority to make By-laws for each of the following purposes:

Rent for drainage

Firstly. To fix an annual rent upon the drainage of any house, cellar, yard or land into any common sewer, and to charge the property so drained for the payment of such rent, during the time it shall be so drained into such sewer.

Assessing particular localities for

Secondly. For raising, levying and appropriating at and upon the petition of two thirds or upwards of the Freeholders and householders special purposes.

resident in any particular street, square, alley or lane, such sum or sums as may be necessary to defray the expense of lighting with gas, oil or other substances, such street, square, alley or lane, by means of a special rate, to be assessed equally on the whole rateable property in such street, square, alley, or lane.

Granting requisite powers to Gas and Water Companies.

Thirdly. For granting authority to any Company now or hereafter to be incorporated for the purpose of supplying Water or Gas for the use and convenience of the inhabitants of such City or Town, to lay down pipes or conduits for the conveyance of such Water and Gas under any of the Streets or public Squares of the Municipality, under such restrictions, limitations and regulations as to such Municipal Council may seem meet.

Subscribing for Stock in Gas or Water Companies and raising money by rates or debentures to pay for the same.

Proviso: Form of Subscription.

Proviso: By-law must be approved by electors.

Proviso: Mayor of Municipality subscribing £2,500 to be a

Fourthly. For subscribing for or purchasing any number of Shares in the Capital Stock of any Company incorporated for the purpose of supplying such City or Town with Water or Gas, or for lending any sum of money to such Company, or guaranteeing the payment of any sum of money borrowed by such Company from any Corporation or person, or for endorsing or guaranteeing the payment of the principal or interest of any Debenture to be issued by the Company for any money by them borrowed, or for assessing and levying, from time to time, upon the whole rateable property of the Municipality, a sufficient sum or sums to discharge the debt or engagement so contracted, or for issuing Debentures for the like purpose payable at such times and for such sums, respectively, not less than Twenty-five Pounds currency, and bearing or not bearing interest, as such Corporation may think meet: Provided, firstly, that any such subscription for or purchase of Shares in such Company as aforesaid, may be made on behalf of the Municipality, by any Municipal Officer or person thereunto authorized by any By-law, and that any such Debenture issued, endorsed or guaranteed under any such By-law as aforesaid, shall be valid and binding upon the Municipality, if signed or endorsed and countersigned by such Municipal Officer or person and in such manner and form as shall be directed by any By-law: Provided, secondly, that no Municipal Corporation shall subscribe for or purchase Stock of any such Company as aforesaid, or incur any debt or liability in respect of any such Company unless and until a By-law authorizing such subscription or purchase or the incurring of such debt or liability, shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified Municipal Electors of the Municipality, to be ascertained in such manner as shall be determined by a By-law to be made for that purpose, after public notice containing a copy of the proposed By-law or of every material provision thereof, inserted at least four times in each newspaper printed within the limits of the Municipality, (or if none be printed within the limits of the Municipality) then in some newspaper or newspapers printed in the neighborhood of such Municipality and circulated therein;) and also posted up in at least four of the most public places in the Municipality: And provided, thirdly, that the Mayor of any such Municipality as aforesaid, subscribing for and holding stock in any such Company, to the amount of Two

Thousand Five Hundred Pounds, or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the other Directors thereof, and shall have the same rights, powers and duties as any of the Directors of the Company, and the Mayor for the time being shall also be allowed to vote on the shares owned by the said Municipality at any Election of Directors.]

Director of the Company subscribed to.

VI. CITIES.

LXXXII. And be it enacted, That the inhabitants of each of the Cities mentioned in the Schedule to this Act annexed marked C, and intituled "Cities," and the inhabitants of all such Towns in Upper Canada as shall from time to time, be erected into Cities by and under any Proclamation to be issued in that behalf under this Act, shall be Bodies Corporate with all the powers, privileges and immunities, duties and liabilities of the incorporated inhabitants of Towns as aforesaid, except in so far as such powers may be hereby increased, lessened or otherwise modified, and such powers shall be exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of each of such Cities respectively.

Inhabitants of Cities mentioned in Schedule C, &c., incorporated.

Corporate powers.

How exercised.

[XVIII. And be it enacted, That the following section shall be substituted for the repealed 83d section as amended of the Act first above cited, and shall be read as part of the said Act; "And be it enacted, That for each Ward of every such City there shall be two Aldermen and two Councillors, to be elected as hereinbefore provided with respect to Town Councillors, which Aldermen and Councillors shall together constitute the Common Council of such City, and which City and the Mayor and Common Council thereof shall have and exercise all and singular the same rights, powers, privileges and jurisdiction in, over and with respect to such City and the liberties thereof, as are hereinbefore given, granted or conferred upon, or as shall by virtue of this Act or otherwise, belong to incorporated Towns in Upper Canada the Mayors, Councillors and Common Councils thereof, and all the rules, regulations, provisions and enactments contained in this Act, (16 Vic., cap. 181,) as applied to such incorporated Towns, the Mayors and the Councillors thereof, and their election, and those by whom such election is to be made, and to the Town Council thereof, either by way of reference to those provided for Incorporated Villages or otherwise, shall apply to each of the said Cities and the Mayor, Aldermen and Councillors thereof, and their election, and to the Common Council thereof: Provided always, nevertheless, firstly, that the Mayor of every such City shall be elected by the Aldermen and Councillors of such City from among the Aldermen thereof; And provided also, secondly, that no person shall be qualified to be elected an Alderman for any Ward of such City who shall not be a freeholder or householder of such City, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on the Collector's Roll

16th Vic., Cap. 181, Sec. 18.

Election of Aldermen and Councillors in Cities; certain provisions respecting Towns to apply.

Proviso: as to Mayor.

Proviso: qualification of Aldermen.

Proviso: qualification of Councillors.

Proviso: Qualification of voters.

of the Ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such City for the year next preceding his election, in the case of a Freeholder to the amount of Forty Pounds per annum or upwards, and in the case of a householder to the amount of Eighty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof: And provided also, thirdly, that no person shall be qualified to be elected a Councillor for any Ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on the Collector's Roll of the Ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such City, for the year next preceding, in the case of a Freeholder to the amount of Twenty pounds per annum or upwards, and in the case of a householder to the amount of Forty pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upward, situate within such City or the liberties thereof: And provided also, fourthly, That the persons entitled to vote at the elections of such Aldermen and Councillors, shall be the freeholders and householders of the Ward for which such election shall be held, whose names shall be entered on the Collector's Roll thereof for such next preceding year, as rated for rateable real property held in their own names or that of their wives, respectively, as proprietors or tenants thereof, to the amount of Seven pound ten shillings per annum or upwards, and who at the time of such election shall be resident in such City or the liberties of the same; but no person shall vote at more than one Ward in such City, and if assessed in the Ward in which he resides, shall vote only at the election for that Ward."]

16th Vic., cap. 181, sec. 19.

Erection of towns having more than 10,000 inhabitants into cities.

Proclamation.

Boundaries.

Division into Wards.

[XIX. And be it enacted, That the following section shall be substituted for the repealed eighty-fourth section as amended of the Act first above cited, and shall be read as part of the said Act; "And be it enacted, That whenever any of the said Towns incorporated or to be incorporated as aforesaid, shall be found by the census returns to contain more than ten thousand inhabitants, then on petition from the Town Council of such Town, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, erecting such Town into a City, declaring the name of such City, setting forth the boundaries of the same and of the liberties thereof respectively, with the portions of the liberties to be attached to each of such Wards respectively, and including within such boundaries any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of such City, it may appear desirable in the opinion of the Governor in Council should be attached to such City or the liberties thereof, and to make new divisions of such City into Wards, in like manner as is provided in the case of the said Towns; and the first Election in such place as a City shall take place on the first Monday of the month of January next, after the end of three calendar months from the *teste* of such Proclamation. Provided always, nevertheless, that when and so often as it shall be deemed desirable for the greater convenience of the citizens of any of the cities incorporated or to be incorporated as aforesaid, that the area forming such City and the liberties thereof, (either with any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein or the probable future exigencies of such City, it may appear desirable should be attached to such City or the liberties thereof, or without such portion of such Township or Townships) or any part thereof, should be re-divided into Wards, and the expediency of such re-division shall have been affirmed by a majority of the Common Council of such City, consisting of at least two-thirds of the members thereof, in the month of February in two successive years, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal thereof, re-dividing such City or such part of such City into Wards, with liberties attached to such Wards respectively, as to him shall seem expedient; And on, from, and after the end of three calendar months from the teste of such Proclamation, such re-division shall take effect to all intents and purposes, as if such had been the original division of such City into Wards, or of the part thereof so re-divided, in and by Act of Parliament, or Proclamation in the first instance. And provided also, secondly, that in every such re-division, it shall and may be lawful, in and by such Proclamation to include within the boundaries of such City or the liberties thereof, any portion of the Township or Townships adjacent, which from the proximity of streets or buildings thereon, or the probable future exigencies of such City, it may appear desirable, in the opinion of the Governor in Council, should be attached to such City or the liberties thereof.]

Proviso: Re-division when circumstances may require it.

Proclamation, and its effect.

Proviso: parts of adjacent townships may be included.

14th & 15th Vic., cap. 109, sec. 21 and 22.

As to any town being separated from any County for the purpose of being erected into a City.

[XXI. And be it enacted, That previous to the issue of any Proclamation for the erecting of any Town into a City, under the provisions of the eighty-fourth section of the said Municipal Corporations' Act of one thousand eight hundred and forty-nine, an agreement or arbitration similar, as nearly as may be, in all respects to the agreement and arbitration provided for by the fifteenth section of the said Act, of the twelfth year of Her Majesty's Reign, chaptered seventy-eight, between a Junior County and the County or Counties, from which it is about to be separated, shall be made or had between such Town and the County or Union of Counties within the limits of which such Town shall lie, in which the Municipal Corporation of such Town shall do all on behalf of such Town as in and by the said fifteenth section is required to be done by the Provisional Municipal Council of such Junior County, on behalf of such Junior County; and the arbitrators shall be appointed, the award be made, and all other particulars observed by and between such Town and County, or Union of Counties, as in and by such fifteenth section is required by and between such Junior County and the County or Counties from which it is to be separated.]

Liabilities of such Town when so erected into a City.

[XXII. And be it enacted, That upon the erection of any such Town into a City as aforesaid, such City and the liberties thereof shall remain liable to all the debts and loans created or contracted by the County or Union of Counties, within the limits of which such City and the liberties thereof shall lie, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations' Act, of one thousand eight hundred and forty-nine, and of this Act, to the like extent and in the like manner as a Junior County, on its separation from the County or Counties with which it was united, remains liable to the similar Debts and Loans of such Union ; and all the several provisions of the eighteenth, nineteenth and twentieth sections of this Act, shall apply between such City and such County, or United Counties, as between a Junior County and the Senior County or Counties from which it shall have been separated.]

14th & 15th Vic., cap. 109, sec. 24.

As to By-laws of County, &c., remaining in force in any town, &c., separated therefrom for the purpose of being erected into a City.

Proviso: Certain By-laws not to be repealed, &c., in certain cases.

[XXIV. And be it enacted, That the By-laws of every County or Union of Counties, in force in any Town, or in such parts of the said County or Counties as are added to the same, when such Town shall be erected into a City, by Proclamation or otherwise, according to Law, shall continue in force in such City and the liberties thereof, after the erection thereof, as if such By laws had been passed by the Common Council of such City, until the same shall be repealed, altered or amended respectively, by the Common Council of such City : Provided always, nevertheless, that nothing herein contained shall extend to empower the Common Council of such City, to repeal, alter or amend any of such By-laws or any part thereof, which could not be lawfully so repealed, altered or amended by the Municipal Council of the County or Union of Counties of which such Town formed part previously to its erection into a City, if it were not so erected but still formed part of such County or Union.]

Each incorporated City to be a County of itself for certain purposes.

Proviso: not to prevent County Municipal Councils to hold their sittings in Cities, &c.

LXXXV. And be it enacted, That each of the Cities which shall be or remain incorporated as such under the authority of this Act, with the liberties thereof, shall, for all Municipal purposes, and such Judicial purposes as are herein or hereby specially provided for, but no other, be a County of itself : Provided always, nevertheless, that nothing herein contained shall prevent the Municipal Council of the County within or on the borders of the territorial limits whereof such County of a City shall lie, to hold their sittings, keep their public offices, and transact all their business and that of their officers and servants within the limits of such City or the liberties thereof, and to purchase and hold all such real property within such limits as may be necessary or convenient for such purposes or any of them.

Justice of the Peace of the County to have no jurisdiction within City.

Proviso: Quarter Sessions of the County may be held in City.

LXXXVI. And be it enacted, That the Justices of the Peace in and for the County within or on the borders of which such City shall lie, shall as such neither have nor exercise any jurisdiction over offences committed within such City or the liberties thereof; any law or usage to the contrary thereof notwithstanding: Provided always, nevertheless, firstly, that nothing herein contained shall be construed to prevent the General or Adjourned Quarter Sessions of the Peace for such County being held within the limits of such City or the liberties thereof, and having and exercising all the jurisdiction and authority necessarily incident to the power of holding such Sessions; And provided always also, secondly, that nothing herein shall prevent or be construed to prevent the endorsement of Warrants as now provided for by law, nor to alter or interfere with the effect of such endorsement.

Proviso: with respect to endorsement of Warrants.

[LXXXVII. And be it enacted, That [the Aldermen of each City which shall be or remain incorporated as such under the authority of this Act, shall by virtue of their respective offices be Justices of the Peace in and for such City and the liberties thereof, and that from the time of the erection of any Town into a City,] any and every Commission of the Peace, that may have been issued for such Town shall cease and determine.]

13th & 14th Vic., cap. 64, sec. 1.

Commissions of the Peace to cease on erection of a City.

[LXXXVIII. And be it enacted, That there shall be in and for each of the Cities which shall be or remain incorporated as such under the authority of this Act, besides a Chief Constable, as provided with respect to incorporated Towns as aforesaid, one High Bailiff, who shall be appointed annually [by the Corporation of such City, who may by By-law, if they shall deem it expedient so to do, provide that the offices of High Bailiff and Chief Constable may be united in and held by the same person.]

13th & 14th Vic., cap. 64, sec. 1.

Chief Constable and High Bailiff to be appointed.

LXXXIX. And be it enacted, That it shall and may be lawful for the Corporation of any City which shall be or remain incorporated under authority of this Act, by act of Common Council, from time to time, as it may seem expedient, to erect any part of the liberties contiguous to such City, as their boundaries shall be at the time, into one or more outer Wards; and may from time to time, as it may seem expedient, alter and vary the boundaries of such outer Wards, or any of them, before they shall be annexed to the said City, as hereinafter provided.

Corporation may erect any part of the liberties into outer Wards, &c.

XC. And be it enacted, That so soon as it shall appear by the census of any such City, that any one of its outer Wards contains as many inhabitants as by the census first taken after the passing of this Act, or after the erection of such City, as the case may be, shall be found to be contained in the least populous of the Wards erected by this Act, or by the Proclamation erecting such City, and by the general Assessment Rolls of such City, that such outer Ward contains as much assessed property as by the first Assessment of the said City made after the passing of this Act, or after the issuing of such Proclamation as aforesaid, shall be found to be contained in the least wealthy of the Wards erected by this Act or by such Proclamation, it shall and may be lawful for the Mayor of such City, for the time being, and he is hereby required forthwith to issue a Proclamation, under the Seal of the said City, setting

Provision for annexing an outer Ward to the City, on certain conditions.

forth the same, and annexing such Ward to such City, calling it by such name as the Common Council thereof shall think fit.

When an outer Ward is annexed it shall cease to form part of the liberties.

XCI. And be it enacted, That from the date of any such last mentioned Proclamation, such Ward shall cease to be a part of the liberties, and shall from thenceforth constitute a Ward of such City, and have incident to it, and its inhabitants every thing by this Act or any future Act of Parliament, or any act of Common Council, incident to the Wards of such City, or the inhabitants thereof in General, and every such Act shall extend to such Ward as it does or shall to the other Wards of such City in general; Provided always, that no Election for Charter Officers for any such Ward, shall take place until the general Election for such officers next ensuing the issuing of any such last mentioned Proclamation.

Proviso as to elections for such Ward.

Present Gaol, Court House, &c., to continue as such for City and County, until otherwise provided.

XCII. And be it enacted, That the Gaol, Court House and House of Correction of the County within the limits or on the borders of which any such City shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such City, as well as of such County, until such City shall by Act of Common Council otherwise direct; and the Sheriff, Gaoler, and Keeper of every such County Gaol and House of Correction shall be bound to receive and safely keep until duly discharged, all persons committed thereto by any competent power of authority of such City.

13 & 14 Vic., cap. 64, sec. 1.

A Recorder's Court to be established for each City.

[XCIII. And be it enacted, That besides a Police [Office and Police Magistrate as provided with respect to incorporated Towns as aforesaid, and which Police Magistrate shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police] and Magistrates for incorporated Towns as aforesaid, there shall moreover be a Court of Record in each of the Cities, which shall be or remain incorporated as such under the authority of this Act, which Court shall be called the Recorder's Court of such City, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen of such City, or in the absence of such Recorder from sickness or other causes, or when there shall be no Recorder, the Mayor or one of the Aldermen of such City, to be elected by the Aldermen from among themselves, shall preside; and that such Court shall in all cases possess the like powers and have the like jurisdiction as to crimes, offences and misdemeanors committed in such City and the liberties thereof as the Courts of Quarter Sessions of the Peace now have or hereafter may have by Law in Upper Canada, as to crimes, offences and misdemeanors committed within their local jurisdiction, as well as in all those matters of civil concern not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in such Courts of Quarter Sessions of the Peace.]

Who shall preside in it.

Jurisdiction of Recorder's Court.

16 Vic., cap. 181, sec. 20.

[XX. And be it enacted, That the following section shall be substituted for the repealed ninety-fourth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Recorder's Court shall hold four sessions each year, which sessions shall commence on the First Monday in the Months of January, April, July and November, in each year.]

[XXVII. And be it enacted, That upon or at any time after the appointment of a Recorder for any City in Upper Canada, under the provision of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty nine, it shall and may be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to authorize and appoint the Recorder for the time being of such City to preside over and hold the Division Court of and for that Division of the County or Union of Counties within which such City and the liberties thereof shall lie, which shall include such City and liberties, and in every such case, so long as such Letters Patent shall remain unrevoked, the Recorder of such City shall have and exercise all the powers and privileges, and perform all the duties of the County Court Judge as Judge of the said Division Court, in the same manner, and to the same extent as such County Court Judge would be authorized to have, exercise and perform the same if this Act had not been passed; and such Recorder shall, by virtue of such Letters Patent, have full power and authority to hold such Division Court and to perform all other duties, whether of a judicial or other character, which, if this Act had not been passed, it would appertain and belong to such County Judge as Judge of such Division Court to exercise and perform; provided always, nevertheless, that while any Recorder shall be so authorized and appointed to hold such Division Court, such Recorder shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any of Her Majesty's Courts of Law or Equity in this Province.]

13 & 14 Vic., cap. 109, sec. 27.

Recorders for any City may be appointed to preside over and hold the Division Court.

His powers under Letters Patent.

Proviso.

[XXVIII. And be it enacted, That upon and from the issuing of any such Letters Patent under this Act, appointing the Recorder of any City to preside over and hold the Division Court of and for the Division within the limits of which such City and the liberties thereof shall lie, and while such Letters Patent shall remain unrevoked, the authority and duties of the County Judge of such County or Union of Counties as Judge of such Division Court, except as in the next section of this Act provided, shall cease: Provided always, nevertheless, that all and every the business and proceedings of, or in any such Division Court, whether pending or otherwise at the time of the issue of any such Letters Patent and all matters and things thereto relating, shall be continued, managed and disposed of by and under the authority of of such Recorder, instead of such County Judge, as if he had been the Judge of such Division Court when the same was commenced.]

13 and 14 Vic., cap. 106, sec. 28.

As to the authority of the County Judge when Recorder is so appointed as Judge.

Proviso.

[XXIX. And be it enacted, That in case of the illness or unavoidable absence or absence by leave of the Governor, of the Recorder of any such City, it shall and may be lawful for the Judge of the County Court in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie, to sit for such Recorder as Judge of such Division Court, and in every other capacity whether judicial or otherwise, belonging or attached to the office of

13 and 14 Vic., cap. 109, sec. 29.

In case of absence, &c., of Recorder, the County Judge to sit; Recorder may name a Barrister in his stead.

Powers.

Proviso.

such Recorder as Judges of such Division Court by virtue of such Letters Patent as aforesaid, or for such Recorder, if he think fit so to do, by an instrument in writing, under his hand and seal, to name and appoint some Barrister, duly admitted as such, so to sit for him in holding such Division Court as aforesaid; and in every such case, as well such County Judge as such other person so named and appointed to sit for such Recorder as aforesaid, shall on every such occasion have full power and authority to sit for such Recorder as Judge of such Division Court, and in every other capacity, whether judicial or of any other character, belonging or attached to the office of such Recorder as Judge of such Division Court, by virtue of such Letters Patent as aforesaid: Provided always, nevertheless, that no such nomination or appointment shall continue or be in force for more than one calendar month without the renewal of the same by a like instrument as aforesaid.]

13 and 14 Vic., cap. 109, sec. 30. As to instalment of nomination.

[XXX. And be it enacted, That every such instrument of nomination shall contain a recital of the cause which rendered such nomination necessary, and shall be executed in triplicate, one of which triplicate originals shall, by the Recorder making the same, be fyled in the office of the Clerk of such Division Court, another of them delivered or sent to the person so named to sit for such Recorder, and the third be transmitted to the Provincial Secretary, for the information of the Governor of this Province.]

14 & 15 Vic., cap. 109, sec. 31. Governor may annul the nomination, and appoint some other person.

[XXXI. And be it enacted, That in the case of every such nomination it shall and may be lawful for the Governor of this Province, by an instrument under his Privy Seal, to annul such nomination, and if he shall think fit so to do, to name, by the same or any other instrument under his Privy Seal, some other person legally qualified to have been named by such Recorder himself, to sit for such Recorder, instead of the person so named by such Recorder as aforesaid, and with the like powers hereby conferred upon such person so named.]

14 & 15 Vic., cap. 109, sec. 32. Remuneration to Recorder.

[XXXII. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council, to fix an annual remuneration to be paid to every such Recorder for performing such duties, due regard being had in fixing the same to the population resident within the jurisdiction of such Division Court, the amount derived to the Fee Fund from the fees collected and returned from such Division Court, the amount of the salary of such Recorder as such, and the amount of the salaries of other County Court Judges in Upper Canada, and that such annual remuneration shall be subject to be altered in the like way, and shall be paid out of the like funds and in the like manner as the salary of the County Judge in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie.]

Inhabitants of City and Liberties exempted from serving on certain Juries after a certain date.

XCV. And be it enacted, That the inhabitants of every such City erected or to be erected under the authority of this Act, and of the liberties thereof, at all times after the passing of this Act, or after the first day of January next after the end of the three calendar months from the *teste* of the Proclamation erecting such City, as the case may be, shall be exempt from serving on Juries at any other than [the City Courts or on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto, or at] the Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the County within the limits or on the borders of which such City shall be situate.

Who shall be Grand Jurors for the Recorder's Courts, and how summoned.

XCVI. And be it enacted, That the Grand Juries of such Recorder's Courts shall consist of twenty-four persons to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders, in the same manner as Grand Juries of the Quarter Sessions are now or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

Petit Jurors to be summoned by High Bailiffs.

XCVII. And be it enacted, That the Panels of the Petit Jurors for such Courts shall consist of not less than thirty-six nor more than sixty Jurors, to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders in the same manner as Petit Jurors of the Quarter Sessions now are or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

Who shall be Grand and Petit Jurors.

XCVIII. And be it enacted, That such persons only residing in the said cities or the liberties thereof, shall be summoned to compose the Grand and Petit Jurors of such Recorder's Courts as are at present or hereafter may be liable to be summoned as Grand and Petit Jurors respectively, in any Court of Upper Canada.

Authority of Grand Juries.

XCIX. And be it enacted, That the respective Grand Juries shall have all the power and authority over offences committed in the said cities and the liberties thereof, which Grand Juries for the General Quarter Sessions of the Peace in Upper Canada now have or hereafter may have.

Powers of Courts of Quarter Sessions vested in Recorder's Courts.

C. And be it enacted, That the like Process and Proceeding now had in the said General Quarter Sessions of the Peace in criminal cases, shall and may be used in the said Recorder's Courts when exercising criminal jurisdiction, and the like power to take recognizances and all other powers and duties incidental to such jurisdiction, and which the said Courts of General Quarter Sessions now or hereafter may possess by law, together with the powers granted by this Act, are hereby vested in the said Recorder's Courts as far as regards any offences, crimes and misdemeanors arising or committed within such cities and the liberties thereof respectively.

On acquittal of a defendant, costs to be paid out of

CI. And be it enacted, That upon the acquittal of any Defendant or Defendants in any of the said Recorder's Courts, the Recorder or presi-

City funds, when there was reasonable cause for prosecution.

ding Alderman thereof, shall upon its appearing to the satisfaction of the said Court, that there was a reasonable and probable cause for such prosecution, order the costs thereof to be taxed by the Clerk of the said Court to be paid out of the City Funds.

Recorder may suspend High Bailiff, Chief Constable, &c., from their duties.

CII. And be it enacted, That every such Recorder shall have the power of suspending from the duties of his Office any High Bailiff, Chief Constable or Constable of the City of which he is the Recorder, for any period in his discretion, and that immediately after such suspension he shall report the same with the cause thereof, if he deem such High Bailiff, Chief Constable or Constable, deserving of dismissal for the cause of such suspension, to the Common Council of such city, and the said Common Council shall thereupon in their discretion, dismiss such High Bailiff, Chief Constable or Constable, or direct that he shall be restored to the duties of his Office after the period of such suspension shall have expired, and during such suspension no such High Bailiff, Chief Constable or Constable shall be capable of acting in his said Office except by the express permission of the Recorder of such city in writing, nor shall such High Bailiff, Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such Recorder to appoint some fit and proper person to act as High Bailiff, Chief Constable or Constable during the period of such suspension of any High Bailiff, Chief Constable or Constable as aforesaid.

Proviso as to a Bailiff, &c., *pro tempore.*

16th Vic., cap. 181, sec. 21.

[XXI. And be it enacted, That the following section shall be substituted for the repealed one hundred and third section of the Act first above cited (12 Vic., cap. 81), and shall be read as part of the said Act: "And be it enacted, That the Clerks of the Common Councils of the said cities, or such other persons as the corporations of such cities shall appoint for that purpose, shall be Clerks of the Recorder's Courts, and perform the same duties and receive the same emoluments as now appertain to the Clerks of the Peace in Upper Canada."]

Appointment and qualification of Recorders.

CIV. And be it enacted, That the Recorders for the several cities which shall be or remain incorporated as such under the authority of this Act, shall be Barristers of Upper Canada of not less than five years' standing, and shall be appointed by the Crown during pleasure, and every such Recorder shall be *ex officio* a Justice of the Peace, in and for the City and Liberties thereof, for which he shall be appointed, and shall receive a salary of not less than two hundred and fifty pounds per annum, payable quarterly out of the Municipal Funds of such city: Provided always, nevertheless, that a Recorder shall not in the first instance be appointed for any of such cities until after the

Proviso: not to be appointed

corporation of such city shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer was required for the better conduct of the affairs of such city.

except on petition of the Corporation.

CV. And be it enacted, That it shall and may be lawful for any such Common Council, in any such communication, to declare their opinion that the said offices of Recorder and Police Magistrate may be vested in the same person for some time thereafter, in every which case the same person shall be appointed to both of such offices, and the said offices shall remain united in such person and his successors until such Common Council shall have further communicated to the Governor General of this Province, their opinion that such offices should no longer continue united; from which time the same shall be held separately: Provided always, that during the union of such offices the person holding the same shall not be entitled to any other than the salary herein provided for the office of Recorder.

Offices of Recorder and Police Magistrate may be vested in the same person.

Proviso as to salary in such case.

CVI. And be it enacted, that the Common Council of such City shall have all and singular the powers and authority within such City and the Liberties thereof, which the Town Council of any Town incorporated under the authority of this Act, may or can lawfully use or exercise therein.

Powers of City Councils to be similar to those of Town Councils.

CVII. And be it enacted, That the Common Council of each of the Cities which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each of the following purposes, that is to say:

City Councils may make By-laws for—

Firstly.—For erecting and establishing, and also providing for the proper keeping of a City Hall, Court House, Gaol, House of Correction, and House of Industry, in and for such City and the Liberties thereof, and appointing the Inspectors of any such House of Industry.

Erection of a City Hall, Gaol, House of Correction, &c.

Secondly. For regulating, in their discretion, the erecting of buildings and preventing wooden buildings and wooden fences from being erected in such City.

Regulating the erection of wooden buildings;

Thirdly. For borrowing under the restrictions and upon the security hereinafter mentioned all such sums of money as shall or may be necessary for the execution of any city work within their jurisdiction, and the scope of the authority by this Act conferred upon them.

Borrowing moneys.

Fourthly. For raising, levying, and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property of such City,

Levying moneys by rate.

according to any law which shall be in force in Upper Canada, concerning rates and assessments.

Carrying into execution powers vested in them.

Fifthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such City or in any department or office thereof, for the peace, welfare, safety and good government of such City as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always nevertheless, firstly, that no person shall be subject to be fined more than five pounds exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or Regulation of such City; And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds, for refusing or neglecting to perform the duties of any municipal office, when duly elected or appointed thereto.

Proviso as to fines for breach of By-laws;

Or for not accepting office.

Repealing or amending By-laws.

Sixthly. For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such City.

16th Vic., cap. 181, sec. 16. Persons not taxed to a certain amount to pay commutation for Statute Labour.

[XVI. And be it enacted, That if the Taxes assessed in any year upon any male inhabitant of any City or incorporated Town or Village, of the age of twenty-one years and upwards, and not over sixty years of age, (and not otherwise exempted by law from performing Statute Labour, except by being rated on the Assessment Roll of such City, Town or Village,] do not amount to ten shillings currency, he shall instead of such labour be taxed ten shillings yearly, to be levied and collected in the same manner as other local Taxes, to the use of the Corporation of the places.]

VI. MISCELLANEOUS PROVISIONS.

Who shall be the Heads of the different corporations.

CVIII. And be it enacted, That of the Municipal Corporations erected or to be erected under the authority of this Act, the Warden of each County shall be the Head of the Municipal Council or Corporation of such County, the Mayor of each City and Town shall be the Head of the Town or Common Council or Corporation of such City or Town respectively, and the Townreeve of each Township and Village, the Head of the Municipality or Corporation of such Township or Village respectively.

16 Vic., cap. 181, sec. 22.

[XXII. And be it enacted, That the following section shall be substituted for the repealed one hundred and ninth section of the Act first above cited, (12th Vic. Cap. 81,) and shall be read as part of the said

Act. "And be it enacted, That the Head of every such Municipal Corporation as aforesaid, and the Town Reeve of every Town and the Deputy Town Reeve of every Township and Town, shall *ex officio* be Justices of the Peace in and for the County within or on the borders of which the Township, Village, Town or City, to which they shall respectively belong, shall be situate, and shall have within every such County, as well as within the limits of the Jurisdiction of the Municipal Corporation over which such person presides, or to which they shall respectively belong, all and singular the powers and jurisdiction as well civil as criminal which belong to the office of Justice of the Peace.]

Heads of Municipalities, Reeves and Deputy Reeves to be Justices of the Peace.

CX. And be it enacted, That in the event of the absence of the Head of any such Municipal Corporation from the duties of his office for a period exceeding at one time three calendar months, without having been first authorized so to absent himself by a resolution of such Municipal Corporation, he shall vacate his office; and in such case, it shall and may be lawful for such Municipal Corporation, at a special meeting thereof for that purpose, to be convened within three days after such office shall become vacant, to elect from among themselves a successor to such Head of such Municipal Corporation, who shall hold office for the remainder of the time of service of his immediate predecessor, which Head of such Corporation shall be sworn into office as is in and by this Act provided.

Absence of more than three months at a time without leave, to vacate the office.

Vacancy how filled.

CXI. And be it enacted, That it shall and may be lawful for the Head of such Municipal Corporation, at any time, by and with the consent of such Municipal Corporation, to resign his office; and his successor shall in such case be elected within the time and in the manner, and for the same period as is provided in the next preceding section of this Act.

Resignation of Heads of Corporations.

[XXXVIII. And be it enacted, That it shall and may be lawful for any Member of the Municipal Corporation of any City, Town, Township or incorporated Village in Upper Canada at any time, by and with the consent of the majority of the Members of such Municipal Corporation, signified by such consent being entered on the Minutes of their proceedings, to resign his situation as a Member of such Corporation, and the vacancy occasioned by such resignation shall be filled as in the case of the natural death of such Member.]

16 Vic., cap. 181, sec. 38.
A Member of any Municipal Corporation may resign his seat by consent of the majority of such Corporation.

CXII. And be it enacted, That if any of the Members of any such Municipal Corporations, erected or to be erected under the authority of this Act, shall be declared a Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to be a Member of such Municipal Corporation, for the residue of the time for which upon such bankruptcy, insolvency, or composition with his

Members of Corporations becoming insolvent to cease to be Members.

creditors, such Member of such Municipal Corporation was liable to serve; and the vacancy thereby created shall be filled as in the case of the natural death of such Member of such Municipal Corporation.

Power to Head of Corporation to administer certain oaths.

CXIII. And be it enacted, That the head of every such Municipal Corporation, or, in his absence, the Chairman thereof, shall have power to administer an oath or oaths, affirmation or affirmations, to any person or persons concerning any account or other matter which shall be submitted to such Municipal Corporation.

Notwithstanding proclamation incorporating Villages, &c., Municipal Corporations then existing to continue to exercise their powers for a certain time.

CXIV. And be it enacted, That for and notwithstanding the issue of any Proclamation under the authority of this Act for the incorporation of any Village or for the erection of any Village into a Town, or of any Town into a City, the Municipal Corporation existing in or having authority over such Village or Town, or the Hamlet or place of which by such Proclamation such Village, Town or City shall be made to consist immediately previous to the first day of January next after the end of three calendar months from the *teste* of such Proclamation, and all and singular the members, officers and servants of the same respectively, shall upon, and from such last mentioned first day of January, until the fourth Monday of the same month, continue to have, exercise and perform all and singular the Municipal and other powers, functions and duties which, immediately previously to such last mentioned first day of January, shall or may by law have been vested in them respectively, to all intents and purposes as if such Proclamation had not been issued.

16 Vic., cap. 181, sec. 23.

Governor in Council may extend limits of a Village or make a new division thereof into Wards.

[XXIII. And be it enacted, That the following section shall be substituted for the repealed one hundred and fifteenth section of the Act first above cited, (62 Vic., cap. 81), and shall be read as part of the said Act: "And be it enacted, That it shall and may be lawful for the Governor of this Province by any Order in Council, made upon the petition of the Municipal Corporation of any Town or Village, by Proclamation under the Great Seal of the Province, to add to the boundaries of such Town or Village, and to make a new division of the Wards of any such Town, and to alter the boundaries and number of such Wards, but so that there be not less than three Wards therein, and that no Ward shall by such Division contain less than the number of inhabitants contained in the least populous Ward of such Town by the first census taken after the first erection of such Town: and the first election, under such enlargement or new division of such Town or Village, shall take place on the first Monday of January next after the end of three calendar months from the teste of such Proclamation.]

Municipal Corporation not to grant exclusive rights to exercise any trade or calling.

CXVI. And be it enacted, That nothing herein contained shall be construed to authorize any Municipal Corporation erected under the authority of this Act, to give any person or persons an exclusive right or privilege to exercise within the locality over which it has jurisdiction, any trade or calling concerning which such Municipal Corporation may be hereby empowered to make regulations, or to require that a license to exercise the same be taken from such Municipal Corporation or any Officer thereof, or to impose any special tax on any person or persons exercising the same except only such reasonable fee, not in any case exceeding five shillings, as may be necessary for remunerating the proper Officer for issuing or granting to any such person a certificate of his having complied with any such regulations as aforesaid; Provided always, nevertheless, that nothing herein contained shall affect the right of any Municipal Corporation to the exclusive privilege of any ferry now vested in the present Corporation of such County, City, Town or Village.

Proviso as to Ferries.

[CXVII. And be it enacted, That whenever there shall be a Police Magistrate for any Town or City erected or to be erected under the authority of this Act, the power of granting licenses to inn-keepers, and the keeping of ale and beer houses within such Town or City, or the liberties thereof, under such By-laws as may be made for that purpose by the Municipal Corporations thereof, [shall be vested in and belong to such Police Magistrate, and whenever there shall be no Police Magistrate for any such Town or City, such power under such By-laws as aforesaid, shall be vested in and belong to the Mayor of such Town or City.]

13 & 14 Vic., cap. 64, sec. 1.

When a Police Magistrate shall be appointed in a Town or City, powers of granting tavern licenses vested in him.

[CXVIII. And be it enacted, That the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the authority of this Act, [and the Townreeve of any Township or Village incorporated or to be incorporated under the same, with any two Justices of the Peace for the County or Union of Counties within which such Township or Village shall be situate, shall have full power and authority upon complaint made to them or any one of them, upon oath of any riotous or disorderly conduct in any Inn, Tavern, Ale or Beer House, situate within such Town or City or the liberties thereof, or within such Township or Village respectively, to enquire summarily into the matter of such complaint, and for such Mayor, Police Magistrate or Townreeve to summon the keeper of such Inn, Tavern, Ale or Beer House, to appear to answer such complaint, and thereupon it shall be lawful for such Mayor or Police Magistrate with any two of such Aldermen or Justices of the Peace, or for such Townreeve with any two of such Justices of the Peace, to investigate the same, and to dismiss the same with costs to be paid by the complainant, or to convict the said keeper of such Inn, Tavern, Ale or Beer House of having a riotous or disorderly house, and to abrogate the license for keeping the same, or to suspend the benefit of the same for any period not exceeding sixty days, with or without costs, as in their discretion may seem just;] and during the period of such suspension, such Inn or Tavern-keeper shall lose all the powers, privileges and protection that would otherwise have been afforded him by his said license.]

Tavern-keepers keeping disorderly houses, to be tried before the Mayor or Police Magistrate, and two Aldermen or Justices of the Peace; or Town Reeve and two Justices.

Punishment on conviction.

CXIX. And be it enacted, That in every case in which an oath is

Affirmation allowed in certain

cases instead of taking the oath.

required to be administered or taken under this Act, the person required to take such oath, if by law permitted to affirm instead of swear in judicial cases in Upper Canada, shall be entitled and required to make solemn affirmation to the same effect as the oath which would otherwise be required.

14 & 15 Vic., cap. 109, sec. 26.
Assessors duties.
Assessment Rolls what to contain.
Collectors' Rolls, what to contain.

[CXX. And be it enacted, That [in future it shall be the duty of all Assessors to state in their Assessment Rolls whether the persons therein named are freeholders or householders, or both, by having a separate column for this purpose, and using the initial letters F. and H. to signify the same respectively; and that in future every person whose duty it shall be to prepare the Collector's Roll for any Township, Village or Ward in Upper Canada, shall be and he is hereby required to state upon such Roll, in proper columns appropriated to such purpose, whether the persons whose names shall appear thereon are freeholders or householders, and to designate in like manner the amount for which such person is rated in respect of real property, and the amount for which such person is so rated for personal property, as the same shall appear upon the assessment roll from which such Collector's Roll shall be prepared, as well as the amount to be collected from such persons respectively: Provided always, nevertheless, Firstly,—That the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Section; and provided also, Secondly,—that the occupant of any separate portion of a house having a direct communication with a Public Road or Street by an outer door, shall also be considered a householder within the meaning of the same.]

Voters to be subjects of Her Majesty, and of full age.

CXXI. And be it enacted, That no person shall be qualified to vote, or to be elected or appointed under this Act, who shall not at the time of his voting, election or appointment, be a natural-born or naturalized subject of Her Majesty, Her Heirs or Successors, and of the full age of twenty-one years.

Persons appearing on Collector's Roll as qualified to vote, only required to take certain oaths.

CXXII. And be it enacted, That in all elections of Members of any of the Municipal Corporations erected or to be erected under the authority of this Act, whether for Townships, Villages or Wards, each and every person whose name shall appear upon the Collector's Roll, or copy thereof, hereinbefore required to be procured for the purposes of such election, as having been taxed as a freeholder or householder in any such Township, Village or Ward, to an amount sufficient to entitle him to vote at such election, shall be entitled to vote at such election for the same, without any other enquiry and without taking any oath or affirmation other than that he is the person named in such Collector's Roll, that he is of the full age of twenty-one years, and is a natural-born, or naturalized subject of Her Majesty, that he is resident within such Township, Village or Ward, and that he has not before voted at such election.

False swearing, &c., perjury.

CXXIII. And be it enacted, That every person wilfully swearing or affirming falsely in any oath or affirmation required to be taken under this Act, shall be liable to the pains and penalties of wilful and corrupt perjury.

Returning Officers authorized to administer oaths.

CXXIV. And be it enacted, That every Returning Officer, or person holding any election under this Act, shall have power to administer all oaths or affirmations required to be administered or taken at any such election.

Heads of Corporations, &c. authorized to administer oaths in certain cases.

CXXV. And be it enacted, That the Heads of the several Municipal Corporations created or to be created under the authority of this Act, and also the Aldermen of the said Cities and the Justices of the Peace for the several Towns, and also every County, City, Town, Township and Village Clerk, appointed under the authority of this Act, shall have authority to administer any oath or affirmation required to be taken under this Act, and relating to the business of the place in which he shall hold such office as aforesaid, except where it is or shall be otherwise specially provided, or except where he shall be the party required to take such oath or affirmation; and it shall be the duty of any person administering such oath or affirmation to preserve the same, duly certified by him and subscribed by the party taking or making the same, and to deposit the same in the office of the County, City, Town, Township or Village Clerk, for the County, City, Town, Township or Village in which the said oath or affirmation shall be taken or made, and to the business and affairs of which it shall properly belong, within eight days after such oath or affirmation shall be administered, on pain of being deemed guilty of a misdemeanor.

Deposit of the oath, &c.

Oaths may be administered to parties and witnesses in disputes as to boundaries, &c.

CXXVI. And be it enacted, That in all matters of dispute of and concerning roads, allowances for roads, side lines, boundaries or concessions, pending, or in the course of investigation before the said Municipal Corporations, it shall and may be lawful for the Head of each of the said Municipal Corporations to administer an oath or affirmation to any of the contending parties, and to any witness to be examined touching or concerning the said matters in dispute, and that any person falsely swearing or affirming in that behalf shall be guilty of wilful and corrupt perjury.

13 & 14 Vic., cap. 64, sec. 1.

Officers elected or appointed under this Act to take oath of office.

[CXXVII. And be it enacted, That each Township, Village, Town or City Councillor, and each Township, County, Village, Town or City Clerk, and each Justice of the Peace for any of the Towns aforesaid, and each Assessor and Collector, and each Returning Officer and Returning Officer's Clerk, and each Constable or other Officer, who shall be appointed under this Act, by any Municipal Corporation, shall, before entering on the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say:

The oath.

"I, A. B., do solemnly swear, (*or* affirm, *where the party is entitled* "*to affirm instead of swear*,) that I will truly, faithfully and impar-"tially, to the best of my knowledge and ability, execute the office of "(*inserting the name of the office*) to which I have been elected (*or* ap-"pointed) in this Township, (County, &c.) and that I have not received and "will not receive any payment or reward, or promise of such for the ex-"ercise of any partiality or malversation, or other undue execution [of the "said office, So help me God;" and in default thereof shall forfeit the sum of Ten Pounds to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court.]

16 Vic., cap. 181, sec. 24.

As to the swearing (*or* affirming) in of the Head of any Municipal Corporation.

[XXIV. And be it enacted, That the following clause shall be substituted for the repealed one hundred and twenty-eighth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Head of every Municipal Corporation, erected or to be erected under the authority of this Act, shall be sworn or affirmed into office by the highest Court of Law or Equity, whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or Justice or Judge of such Court at his Chambers, or if there be no such Court, Justice or Judge within the limits or at the place of meeting of such Corporation at the time, then before the Recorder or Police Magistrate or Mayor, (in case he shall not be the person to be sworn in) of such City or Town, or any Justice of the Peace of the County or Town in or over which such Corporation shall have jurisdiction, or in the case of Townships and Villages, by any Justice of the Peace for the County in which such Township or Village shall be situate, or in case there shall be no such Court, Justice, Judge or Justice of the Peace within such limits at the time, then before the Clerk of such Municipal Corporation, in the presence of a meeting of such Corporation which several Courts, Justices, Judges, Recorders and Police Magistrates, Mayors, Justices of the Peace, and Clerks, are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary certificate of the same having been duly taken and subscribed."]

14 & 15 Vic., cap. 181, sec. 36.

An Oath of qualification to be taken by certain Officers.

[CXXIX. And be it enacted, That every person who shall be elected or appointed under this Act, to any office which requires a qualification of property in the incumbent, shall, [before he shall take the oath of Office, or enter into the duties of such Office, take] and subscribe an oath or affirmation to the effect following, that is to say:

The Oath.

"I, A.B., do swear (*or* affirm, *where the party is entitled to affirm instead of swear*) that I am a natural born (*or* naturalized) subject of Her Majesty; that I am truly and *bona fide* seized to my own use and benefit, of such an estate (*specifying the nature of such estate, and if land, designating the same by its local description, rents, or otherwise*) as doth qualify me to act in the office of (*naming the office*) for (*naming the place for which such person is elected or appointed*) according to the true intent and meaning of a certain Act of the Parliament of this Province, passed in the 12th year of the reign of Her Majesty Queen Victoria, chaptered 81, and intituled, An Act to provide by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada; as amended by the thirty-sixth section of an Act, chaptered 109, passed in the 15th year of Her Majesty's reign, and entitled An Act to amend the Upper Canada Municipal Corporations' Act of 1849, by adapting the same to the late change in the Upper Canada Assessment Laws, and for other purposes relating to the Municipal Corporations of that section of the Province. So help me God."]

Penalty for refusal to take office or oaths, &c.

CXXX. And be it enacted, That each and every qualified person duly elected or appointed to be a Police Trustee of any police village, or Councillor or Townreeve of any Township or Village, or a Councillor, Alderman, or Mayor of any Town or City, or a Township, Village, Town, or City Assessor or Collector, who shall refuse such office, or who shall refuse or neglect to take the oath or affirmation of office and that of qualification, under this Act, within twenty days after he shall be so elected or appointed, and have had notice of such election or appointment, and every person duly authorized to administer such oath or affirmation who shall refuse to administer the same when such administration is reasonably demanded of him, shall, upon conviction thereof before any Court of competent jurisdiction, forfeit and pay not more than twenty pounds, and not less than two pounds, at the discretion of the Court, and to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court: Provided always, that no person who shall have served in any of the said offices for the year next before any such election or appointment, shall be obliged to serve or be sworn into the same or any other of the said offices for the year succeeding such service.

Proviso as to persons having served in such offices.

Certain persons exempted from serving in any Corporate Office.

CXXXI. And be it enacted, That all persons over sixty years of age, all members of the Legislative Council, and of the Legislative Assembly, all Officers and others in the service of the Crown, either civil or military on full pay, all Judges, Sheriffs, Coroners, Gaolers, and Keepers of houses of correction, all persons in Priest's orders, Clergymen and Ministers of the Gospel of any denomination, all members of the Law Society of Upper Canada, whether Students or Barristers, all Attorneys and Solicitors in actual practice of their professions, all Officers of Courts of Justice, all members [illegible] the Medical profession, whether Physicians or Surgeons, and all Professors, Masters, Teachers, and other Members of any University, College, or School in Upper Canada, and all Officers and Servants thereof, and all Millers and Firemen belonging to any regular Fire Company, shall be and are absolutely free and exempt from being elected or appointed to any Corporate Office whatsoever.

16 Vic., cap. 181, sec. 25.

[XXV. And be it enacted, That the following clause shall be sub-

Certain persons disqualified to be Aldermen or Councillors.

stituted for the repealed one hundred and thirty second section of the Act first above cited, (12th Vic., cap. 81,) as amended (14th and 15th Vic., cap. 109, sec. 36,) and shall be read as part of the said Act ; " And be it enacted, That no Judge of any Court of Civil Jurisdiction, no Naval or Military Officer on full pay, and no person receiving any allowance from the Township, County, Village, Town or City, except in the capacity of Town Reeve or Deputy Town Reeve, or Township Councillor, or in capacities incident thereto, and no person having by himself or partner any interest or share in any contract with or on behalf of the Township, County, Village, Town or City in which he shall reside, shall be qualified to be or be elected Alderman or Councillor for the same or for any Ward therein.]

Who may not be an Assessor, and qualification of an Assessor.

CXXXIII. And be it enacted, That no person shall be qualified to be appointed Assessor for any Township, Village or Ward, who shall be a Councillor of such Township or Village, or of the Town or City in which such Ward shall be situate, or an Alderman or Councillor of the City in which such Ward is situate, nor shall any person be appointed such Assessor unless he shall, at the time of his election or appointment, be seized or possessed to his own use, of property sufficient to qualify him to be elected a Councillor for such Township or Village, or the Town or City in which such Ward shall be situate.

One Assessor may be appointed for more than one Ward.

CXXXIV. And be it enacted, That nothing in this Act contained, shall prevent any person from being appointed Assessor or Collector for more than one Ward in any City or Town.

16 Vic., cap. 181, sec. 26.

Qualification of Justices of the Peace.

Exception of Heads of Municipalities, Recorders, &c.

[XXVI. And be it enacted, That the following section shall be substituted for the repealed one hundred and thirty-fifth section of the Act first above cited, (12th Vic., cap. 81,) and shall be read as part of the said Act: " And be it enacted, That each and every Justice of the Peace for any of the said Towns, shall be qualified in the same amount of property, and shall take the same oaths as are required of other Justices of the Peace. But no Warden of any County, Mayor, Recorder, Police Magistrate, or Alderman of any City, Mayor or Police Magistrate, Reeve or Deputy Reeve of any Town, Town Reeve, or Deputy Town Reeve of any Township or Village, shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required of him than his oath of office as such Warden, Mayor, Recorder, Police Magistrate, Alderman, Town Reeve or Deputy Town Reeve, and the oath of qualification for such office; any law to the contrary notwithstanding.]

Appointment of one or more Coroners for each City and Town.

CXXXVI. And be it enacted, That one or more Coroners shall and may be appointed for every City and Town that shall be or continue incorporated as such under the authority of this Act.

Police Trustees, &c., to be Health Officers under Act of U. C. 5 W. 4 c. 10, or any future Act.

CXXXVII. And be it enacted, That the Police Trustees of every unincorporated Police Village, and the Members of the Municipal Corporation of every Incorporated Village, and of every Township, Town and City in Upper Canada, shall be Health Officers within the jurisdiction of such Police Villages or Municipal Corporations, within and under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled *An Act to promote the Public Health, and to guard against infectious diseases in this Province*, and under any Act that may be hereafter passed in the present or any future Session of the Parliament of this Province for the like purpose: Provided always, nevertheless, that the Municipal Corporation of any of such Townships, Villages, Towns or Cities shall and may by a By-law to be passed for that purpose, delegate the powers hereby conferred upon them, either to a Committee of their own Members, or to some of their own Members and others, or wholly to persons who are not Members of such Corporation, as in their discretion they shall think best.

Proviso: they may delegate their powers as such.

CXXXVIII. And be it enacted, That the places already established by competent authority as markets or market places in the several Villages, Towns and Cities in Upper Canada, shall be and remain markets and market places with all the privileges attached thereto until otherwise directed by competent authority in that behalf, and all market reservations or appropriations which by Act of Parliament or otherwise shall have been and shall then continue vested in the Municipal authority of any such Village, Town or City, or in Trustees for their use and benefit at the time this Act shall come into force, shall be and the same are hereby vested in the Municipal Corporation of such Village, Town or City erected under this Act.

Provision with respect to existing Market places.

CXXXIX. And be it enacted, That notwithstanding anything herein contained, it shall and may be lawful for the Municipal Corporation of any Town or City to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property beyond the limits of such Town or City and the liberties thereof as shall or may, in their judgment, be necessary for the purpose of an Industrial Farm for such Town or City, which Industrial Farm with all the buildings, erections, and improvements so to be purchased as aforesaid, shall, with regard to jurisdiction only, be deemed and taken to be within the limits of such Town in the case of Towns, and within the Liberties of such City, in the case of Cities, and within the jurisdiction of such Town or City for all such purposes.

Corporations may purchase property beyond limits of Towns, &c., for Industrial Farms, which shall, with regard to jurisdiction, be deemed within such Towns.

CXL. And be it enacted, That it shall and may be lawful for the Mayor, Recorder, Police Magistrate, or any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the

Mayor, &c., may commit to hard labour on Industrial Farms.

authority of this Act, to commit to hard labour at, or send to such Industrial Farm, under such regulations as shall be established for the government thereof, any or such description of persons as may by the By-laws of the Corporation of such Town or City, from time to time, be adopted or declared expedient or necessary.

Corporations may purchase real property for cemeteries.

CXLI. And be it enacted, That notwithstanding any thing hereinbefore contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City to purchase, have and hold such and so much real property lying as well beyond as within the limits of such Village, Town or City, or the liberties thereof, as in their judgment shall or may from time to time be or become necessary for the purpose of one or more public Cemeteries for the interment of the dead: Provided always, nevertheless, firstly, that the title to every such Cemetery shall be obtained or accepted by such Municipal Corporation under the authority of a By-law of such Corporation to be passed for that purpose, in which By-law such property shall in express terms be appropriated for the purpose of such Cemetery, and no other: And provided also, secondly, that it shall not be in the power of any such Municipal Corporation, at any time thereafter, to repeal any such By-law, or to make or suffer to be made any other use of the property so obtained or accepted than for the purpose of such Cemetery: And provided also, thirdly, that every such Cemetery, although lying beyond the limits of such Village, Town or City as settled by this or any other Act of Parliament, or by any Proclamation to be issued under the authority of the same, shall, from the time that the title shall become vested in such Corporation, cease to be a part of the Township within which it shall lie, and shall become and be a part of such Village, Town or City, to all intents and purposes as if such Cemetery lay within the limits of such Village, Town or City as settled by such Act of Proclamation.

Proviso: the title to cemetery to be obtained under a By-law.

Proviso: no such By-law to be repealed, &c.

Proviso: such cemeteries, though out of the Town, &c., to be deemed part thereof, &c.

Corporations of Cities, &c., may purchase property beyond the limits of such cities, &c., for powder magazines.

CXLII. And be it enacted, That notwithstanding any thing herein contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City, to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property as well beyond as within the limits of such Village, Town or City or the Liberties thereof, as shall or may in their judgment be necessary for the purpose of one or more magazines for the deposit and safe-keeping of gunpowder, so as to prevent danger therefrom to any such Village, Town or City.

Two Auditors to be appointed by every Municipal Corporation.

CXLIII. And be it enacted, That every Municipal Corporation erected or to be erected under the authority of this Act, at the first meeting of such Corporation in each year next after the Head of such Municipal Corporation for such year shall have been elected and sworn into office, shall appoint two persons to be and to be called Auditors of such Corporation, one of whom shall be appointed on the nomination of the Head of such Corporation, and the other in the same manner as other Municipal Officers are appointed: Provided always, firstly, that no person shall be appointed such Auditor who shall be a Member of such Corporation or the Clerk or Treasurer thereof, or who shall have been such Member, Clerk or Treasurer for the preceding year, nor any person who then shall have had for such preceding year, or shall then have directly or indirectly by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of such Corporation; And provided also, secondly, that no person appointed an Auditor for such Corporation shall be capable of acting as such, until he shall have previously made and subscribed before the Head of such Corporation, an oath or affirmation in the words or to the effect following, that is to say:

Proviso: who shall not be appointed Auditors.

Proviso: Auditors to take an oath.

"I, A. B., having been appointed to the office of Auditor for the "Municipal Corporation of do hereby promise and swear, "that I will faithfully perform the duties of such office according to the "best of my judgment and ability; and I do swear and declare, that I "had not directly or indirectly any share or interest whatever in any "contract or employment with, by, or on behalf of such Municipal Cor-"poration during the year preceding my appointment, and that I have "not any contract or employment for the present year. So help me "God."]

The oath.

CXLIV. And be it enacted, That it shall be the duty of such Auditors to examine, settle and allow or report upon all accounts which may be chargeable upon or may concern such Corporation, and which may relate to any matter or thing under the control of, or within the jurisdiction of such Corporation for the year ending on the thirty-first day of December preceding their appointment as such Auditors; and to publish [an abstract of the receipts and expenditures and liabilities of such Corporation in some public newspaper published within the jurisdiction of such Corporation, or in any other manner that such Corporation may by By-law direct,] and to file their report thereon in duplicate in the Office of the Clerk of such Municipal Corporation, which they shall do in at least one month after their appointment, and from thenceforth one of such duplicate reports shall at all seasonable hours be open to the inspection of any inhabitant of such Township, County, Village, Town or City, with power to take by himself, or his

Auditors to examine all accounts against or concerning Corporation.

To publish a statement of expenditures and liabilities of Corporation.

And file a duplicate report thereon with the Clerk of the Corporation.

clerk or agent, but at his own expense, a copy or copies or an extract or extracts from the same at his pleasure.

Governor in Council to regulate ferries over which this Act does not confer jurisdiction upon Municipal Councils, &c.

CXLV. And be it enacted, That as to all ferries over which jurisdiction is not by this Act conferred either upon the Municipal Council of some County or the Common Council of some City, and in all cases in which such jurisdiction is hereby conferred, but in which no By-law shall have been passed by such Municipal Council or Common Council, and assented to as hereinbefore provided, for the regulations of such ferry, and until such By-law shall be passed and assented to as aforesaid, it shall and may be lawful for the Governor of this Province, in Council, from time to time, to regulate such ferries, and to establish the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such ferries.

16 Vic., cap. 181, sec. 27.

Application to the Courts at Toronto for Writ in the nature of a *quo Warranto*, to try validity of any Municipal Election; and proceedings upon such Writ.

[XXVII. And be it enacted, That the following section shall be substituted for the repealed one hundred and forty sixth section as amended of the Act first above cited, (12th Vic., cap. 81), and shall be read as part of the said Act; "And be it enacted, That at the instance of any Relator having an interest as a Municipal Voter in or for any Township or Village, or in or for any Ward of any Township, Town or City, for which any election shall be held under the authority of this Act, or having such interest as a Candidate at such election, a Writ of Summons in the nature of a *quo Warranto* shall lie to try the validity of such election, and also where it shall be alleged by such Relator that himself or some other person was duly elected and ought to have been returned at such election then to try as well the validity of the election complained against as the validity of the alleged election of such Relator or other person, both which objects shall be embraced in the same Writ which Writ shall issue out of either of Her Majesty's Superior Courts of Common Law at Toronto, upon an Order of such Court in term time, or upon the Fiat of a Judge of either of such Courts or of the Judge of the County Court having jurisdiction over the Municipality within which such election shall have taken place in vacation, upon such Relator shewing upon affidavit to such Court or Judge reasonable ground for supposing that such election was not conducted according to Law, or that the party elected or returned thereat was not duly or legally elected or returned, and upon such Relator entering into a Recognizance before the said Court or any Judge thereof, or before any Commissioner for taking bail in either of such Courts, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit by such Court or Judge, or Judge of the County Court as aforesaid, in the sum of twenty-five pounds each, conditioned to prosecute with effect the Writ to be issued upon such Order or Fiat, or to pay to the party against him the said Relator, thereupon such Writ shall be issued accordingly out of the Office of the Clerk of the Crown and Pleas of each of said Superior Courts of Common Law at Toronto, and out of the offices of their Deputies in the several Counties in Upper Canada, who shall be provided with such Writs for that purpose;

Security to be given by Relator for costs.

and the said Writ shall be returnable upon the eighth day (as on Friday where service shall have been made on the Thursday of the preceding week,) or such further day to be named in the said Writ, and which shall not be less than eight days after that on which it shall be served on such party by the delivery of a copy thereof to him personally, or in the manner hereinafter provided for, before some one of the Judges of either of the said Courts at Chambers, or before the Judge of such County Court at a place to be mentioned in the said Writ, any one of which Judges shall have power, upon proof by affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleading to hear and determine the validity of the Election complained against, and where the sufficiency or legality of such other Election shall have been so alleged as aforesaid, then the validity of such last mentioned Election, and in case of such first mentioned Election being adjudged invalid and such last mentioned Election being adjudged valid, then by a Writ adapted to that purpose to cause the person returned upon such invalid Election to be removed, and the person lawfully elected and who ought to have been returned to be admitted in his place; and in case of neither of such alleged Elections being adjudged valid, then by a like Writ to cause the person returned upon such invalid Election to be removed and a new Election to be held to supply the vacancy thus created, in all which cases it shall and may be lawful for such Judge, whether of the County or Superior Court as aforesaid, if the facts in evidence before him render it proper so to do, to make the Returning Officer at such Elections a party to such proceedings by a Writ of Summons to be served upon him for that purpose in the same manner as the Writ of Summons hereinbefore mentioned; and it shall and may be lawful for such Judge, and he is hereby required in disposing of every such case, to award costs for or against the Relator or Defendant upon such Writ, or for or against the Returning Officer when he shall be so made a party to such proceedings as aforesaid, as to such Judge shall seem just; Provided always, nevertheless, firstly, That all Elections of Mayors, Wardens, Town Reeves and Deputy Town Reeves shall be deemed Elections within the meaning of this section; And provided also, secondly, that whenever the ground of objection against any such Election shall apply equally to all or any number of the Members of any such Municipal Corporation, it shall and may be lawful for the Relator to proceed by one Writ of Summons against all such members; and in case of the Elections of all the Members of any such Municipal Corporation being adjudged to have been illegally elected and returned and the admission of those so adjudged to have been legally elected, shall be directed to the Sheriff of the County or Union of Counties, within the limits of which the locality in or over which such Municipal Corporation shall be established shall be situate, who for the purpose of causing an Election to be held under the authority of this Act, shall have all the powers and authority hereby conferred upon Municipal Corporations for supplying such vacancies as are occasioned by death; And provided also, thirdly, that all such original Writs of Summons shall be applied for within six weeks after the Election complained against, or within one month

Return of Writ and proceedings thereupon.

Hearing of the case, &c.

Execution of the decision.

Awarding costs.

Proviso: Proceedings may relate to any number of persons whose cases are identical.

Direction to Sheriff to hold new Election in such cases.

Proviso: limitation of time for disputing Elections.

after the person whose Election is questioned shall have accepted the office and not afterwards; And provided also, fourthly, that no costs shall be awarded against any person against whom any such Writ of Summons in the nature of a *quo Warranto* shall be brought, who shall within one week after having been served with such Writ transmit post-paid through the Post Office, directed to the Clerk of Judges' Chambers at Osgoode Hall, Toronto, when such Writ shall be returnable there, or to the Judge of the County Court when it is made returnable before such Judge, a Disclaimer of the Office in the terms or to the effect following, that is to say: "I, A. B., upon whom a Writ of Summons in the nature of a *quo Warranto*, has been served for the purpose of contesting my right to the Office of Township Councillor (or as the case may be) for the Township of , in the County of , (or as the case may be) do hereby disclaim the said Office and all defence of any right I may have to the same," unless it shall have been proved to the satisfaction of such Court or Judge; And provided also, fifthly, that it shall be the duty of every such last mentioned person to deliver a duplicate of such Disclaimer to the Clerk of the Municipal Corporation the seat in which shall be contested, who shall forthwith communicate the same to the other Members of such Municipal Corporation; or to any person entitled as a Municipal Voter of such Corporation to intervene and defend the said election and return, in every which case, such intervening party shall be liable and entitled to costs as any other party to such proceeding."]

Proviso: no costs allowed against persons at once disclaiming the disputed office.

Proviso: disclaimer to be sent to Corporation.

Proviso: time to be allowed for Corporation, &c., to defend the Election.

16th Vic., cap. 181, sec. 28.

Writ and Judgment to be filed among Records of the Court.

[XXVIII. And be it enacted, That the following section shall be substituted for the repealed one hundred and forty-seventh section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That on the first day on which the Court, out of which such Writ shall issue, shall sit after such judgment shall be given by any said Judge, whether of either of the said Superior Courts or of the County Court as aforesaid, whether such day shall be in the same or the following term, the said Judge shall deliver or cause to be delivered such Writ and judgment with all things had before him touching the same into such Courts, there to remain of record as a judgment of the said Court, as other judgments rendered therein, and such judgment shall thereupon be enforced by peremptory *Mandamus*, and by such Writs of Execution for the costs awarded by such judgment, as occasion shall or may require.]

How service of the Writ may be made when the party keeps out of the way.

CXLVIII. And be it enacted, That in case the party against whom such Writ of Summons shall be brought, shall keep out of the way to avoid personal service thereof on him as aforesaid, it shall and may be lawful for the Judge before whom the same is returnable, upon being satisfied thereof upon affidavit, to make an order for the service of such Writ either by the leaving a copy thereof at the dwelling house of such party with his wife or other grown-up person there, or in any other manner that such Judge shall deem the ends of justice to require according to the circumstances laid before him upon affidavit for that purpose, and upon service of such Writ being made according to such order and proof thereof by affidavit, it shall be lawful for such Judge, and he is hereby required to proceed thereupon as if the said Writ of Summons had been served personally on the party.

Provision when several Writs issue to try the same election.

CXLIX. And be it enacted, That where two or more of such Writs be brought to try the validity of the same election, all such Writs after the first shall be made returnable before the same Judge before whom such first writ shall have been made returnable, and such Judge shall proceed upon such Writs by giving separate judgments upon each, or one judgment upon all, as the justice of the case may in his opinion require.

16 Vic., cap. 181, sec. 29.

Judge may cause Poll Books, Rolls, &c., to be brought before him.

[XXIX. And be it enacted, That the following section shall be substituted for the repealed one hundred and fiftieth section of the Act first above cited, and shall be read as part of the said Act. And be it enacted, That it shall be lawful for every such Judge to cause the Collectors' Rolls, Poll Books, and any other Record of such election to be brought before him by certiorari, and upon the trial of the validity of such election upon any such writ, such Judge shall enquire into the facts to be established, by personal evidence either by affidavit or affirmation, or by oral testimony taken before him as at *nisi prius*, or at the sittings for Trials of the County Court, or by issues to be framed by him for that purpose, and to be sent to be tried by Jury, by Writ of Trial to be directed to such Court of Civil Jurisdiction, as shall be named by such Judge for that purpose, or by one or more of those methods of inquiry as such Judge shall deem the end of Justice to require.]

Mode of taking evidence.

Issues may be framed and tried.

Execution not to issue till four days in term time after judgment.

CLI. And be it enacted, That no *Mandamus* or other Writ of Execution shall issue upon any such judgment until the same shall have been in the possession of the Court for four days in term time, one of such days being that on which the same shall have been so delivered in as aforesaid, nor while any rule shall be pending for the reversal or alteration of such judgment by such Court as hereinafter provided.

Judgments to be examinable in term time on application made within four days.

CLII. And be it enacted, That every such preliminary judgment, so to be given by any such Judge as aforesaid, shall be examinable by such Court in term time, on an application for that purpose made within such four days, either by the party against whom such preliminary judgment was given, or any other party interested either as Voter or Candidate in such election, and the same may be thereupon reversed, altered or affirmed by such Court either with or without costs to be paid by the party against whom the decision of the Court upon such application shall be given, as in the judgment of such Court the Law of the Land shall require.

13 & 14 Vic., cap. 64, sec. 1.

[CLIII. And be it enacted, That it shall and may be lawful for [the Judges of Her Majesty's two Superior Courts of Common Law at

Superior Courts to settle forms of Writs of Summons, practice, costs, &c.

Toronto, or the majority of them, by any rule, or rules to be by them for that purpose made from time to time in Term time, as occasion may require, to settle the forms of all such Writs, whether of Summons, *Certiorari*, *Mandamus*, Execution, or of or for whatever other kind or purpose, as aforesaid,] and to regulate the practice respecting the suing out service and execution of such Writs, and the punishment of those guilty of contempt in disobeying the same, and also generally for the regulation of the practice, as well at Chambers as in Banc, in hearing and determining the validity of such elections as aforesaid, and the allowance of costs thereupon, and also from time to time by any new rule or rules to be made as aforesaid, to rescind, alter or amend such rule or rules, or make others in lieu thereof, in like manner as they are now by Law empowered to do for the regulation of the practice [of the Courts in matters within their ordinary jurisdiction.]

14 & 15 Vic., cap. 109, sec. 36.

Provision when there is no proper Officer to hold an election.

[CLIV. And be it enacted, That [when no other statutory provision exists for the appointment of a Returning Officer to hold any Municipal Election required to be held by law, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold such Election, and if the person so appointed or any person,] whose duty it shall be, according to the provisions of this Act, or by virtue of any appointment made under it, to hold any election under the authority of the same, shall be absent at the time appointed for any such election, or if there shall be no such person, or such person be dead, it shall be lawful for the persons then and there assembled and entitled to vote at such election, to appoint from amongst themselves a Returning Officer, who shall forthwith proceed to hold such election in lieu of such other first mentioned person: Provided always, nevertheless, that the appoinment of such substituted Returning Officer shall not be made until at least one hour after the hour appointed by lawful authority for commencing the proceedings at such election.]

Proviso.

14 & 15 Vic., cap. 109, sec. 36.

Parties interested may require of Town-Clerks, &c., copies of By-laws, on paying a reasonable fee therefor.

[CLV. And be it enacted, That it shall be lawful and competent to and for any resident of any Township, Village, Town, City or County in upper Canada aforesaid in which any By-laws shall be passed, or for any other person having an interest in the provisions of such By-law, to apply by himself, or by his Attorney for a certified copy of such By-law, and the Township, Town, Village, County or City Clerk shall, upon such application and upon payment to him of his fee therefor within a reasonable time, furnish a copy of such By-law, [certified under his hand and the seal of the Municipal Corporation of which he is the officer; and either of Her Majesty's Superior Courts of Common Law at Toronto may be moved, upon production of such copy and upon affidavit that the same is the copy received from such Township, Town, Village, County or City Clerk, to quash such By-law or any part thereof: and if it shall appear to such Court that such By-law is in the whole or in part illegal, it shall and may be lawful, upon proof of service of a rule upon such Corporation, to show cause within not less than eight days after such service, why such By-law should not be quashed in the whole or in part, to order such By-law to be quashed in the whole or in part, as to such Court shall appear agreeable to Law; and if it shall appear to such Court that such By-law is legal

Superior Courts may be moved to quash any By-law.

Proceedings thereon.

Provision as to actions for things

done under By-laws.

Amends may be tendered.

in the whole or in the part complained of, to award costs in favour of such Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of anything required to be done under any such By-law, unless such By-law or the part thereof under which the same shall be done shall be quashed in manner aforesaid one calendar month at least previous to the bringing such action; and if such Corporation, or any person sued for acting under such By-law shall cause amends to be tendered to the Plaintiff or his Attorney, and upon such tender being pleaded, no more than the amends tendered shall be recovered, it shall and may be lawful for such Court to award no costs in favour of the Plaintiff, and to award costs in favour of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict, and that any amount by which such costs may exceed such verdict shall be recovered against the said Plaintiff by execution or otherwise, according to the course of such Court; Provided always, nevertheless, firstly, that no such application to quash any such By-law which shall have been specially promulgated as hereinafter mentioned, and whereby any rate shall be imposed by any such Municipal Corporation, shall be entertained by any such Court, unless such application shall have been made within *six* calendar months next after such special promulgation of such By-law and provided also, secondly,—that every special promulgation of a By-law within the meaning of the Municipal Corporations' Acts, shall consist in the publication through the Public Press of a true copy of such By-law, and the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof; or in the case of By-laws by which any rate shall be imposed for any purpose whatsoever, then either by such publication of a copy of such By-law, with such notice aforesaid, or in lieu thereof by publication of a notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, with a similar notice of the time so limited for such applications to quash as aforesaid, which publication shall for the purpose aforesaid be in each public newspaper published weekly or oftener within the territorial jurisdiction of such Municipal Corporation; or if there be no such public newspaper within such jurisdiction, then in at least two public newspapers published weekly or oftener nearest to such jurisdiction, every which publication shall for the purpose aforesaid be continued in at least three consecutive numbers of such paper: Provided also, thirdly,—that the notice to be appended to every such copy for the purpose aforesaid shall and may be to the effect following, that is to say:

"NOTICE.—The above is a true copy of a By-Law passed by the Municipality of the Township of A, in the County of B, one of the United Counties of B, C and D, (*or as the case may be,*) on the day of , 185 , and (*where the approval of the Governor in Council is by law required to give effect to such By-law*) approved by his Excellency the Governor General in Council, on the day of , 185 , and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within *six* Calendar Months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz:—(*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk."

And that the notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, for the purpose aforesaid, shall and may be to the effect following, that is to say:

Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada; to wit:

Notice is hereby given, that a By-law intituled (*set out in the title,*) and numbered (*give the number by which the By-law is designated,*) was on the day of , 185 , passed by the Municipal Corporation of the Township of A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of (*here set out in substance the object of the By-law, as* "for the purpose of raising the necessary funds to meet the general public expenses of the Township of for the year 185 ," or "for the purpose of raising and contracting for a loan of Pounds, for making and macadamizing a Road from to " *or otherwise, as the case may be* (*and where the approval of the Governor in Council is by law required to give effect to such By-law,*) approved by His Excellency the Governor General in Council, on the day of 185 ;] and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within *six* Calendar Months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk.

And provided also, fourthly, That unless application to quash any such By-law, which shall be so specially promulgated as aforesaid, shall be made within the time so hereby limited for that purpose; such By-law, or so much thereof as shall not be the subject of any such application, and which shall not be quashed upon such application, so far as the same shall ordain, prescribe or direct any thing within the proper competence of such Municipal Corporation to ordain, prescribe, or direct, shall, notwithstanding any want of substance or form, either in such By-law itself, or in the time or manner of passing the same, be to all intents and purposes whatsoever deemed to be and to have been a valid By-law for the purposes intended."]

Saving of present CLVI. And be it enacted, That all the By-laws of the different

Municipal Corporations in Upper Canada remaining unrepealed at the time this Act is appointed to come into force shall continue in force until amended, altered or repealed by some By-law or By-laws to be passed for that purpose by the Municipal Corporation by this Act substituted for such former Municipal Corporation; Provided always, nevertheless, that the provision contained in the next preceding section of this Act, for trying the validity of By-laws to be passed by the Municipal Corporations erected under this Act, shall extend and apply to all such By-laws of such former Corporations, and shall and may be certified by the proper Officer of the Corporation erected under this Act, as if they had been By-laws passed under the authority of the same; Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to confirm or render valid any By-law which would not have been valid had this Act not been passed.

By-laws of existing Corporations until repealed.

Proviso: next preceding section to apply to them.

Proviso.

[XXXVII. And be it enacted, That whenever any person rated on the Assessment Roll of any Municipality or place shall object to the passage of any By-law, the passing of which is to be preceded by the application of a certain number or portion of the rateable inhabitants of such Municipality or place to be affected by such By-law, he shall, on petition to the Township or other Municipal Council to that effect, be at liberty to attend before such Council (or a Committee thereof appointed for the purpose of hearing evidence,) at the time at which such proposed By-law is intended to be passed, and to produce evidence before such Council or Committee, to show that any of the signatures to the application for such By-law are not genuine, or have been obtained upon false or incorrect statements or representations, or that the necessary and proper notice of the application has not been given, and that the proposed By-law and the objects thereby intended to be carried out are contrary to the wishes of the persons whose signatures have been so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property necessary to authorize the passing of such By-law: And whenever the Council of the Township or other Municipality, before which such person shall have appeared, shall be satisfied upon the evidence adduced that the application for the By-law does not contain the names of a sufficient number of persons, obtained without fraud and in good faith, representing the requisite amount of property, who are desirous of having such By-law passed, or that the due and sufficient notice required by law has not been given, then it shall not be lawful for the Council of such Township or other Municipality to proceed any further on such application, nor to pass any such By-law.]

16th Vic., cap. 181, sec. 36.

Persons objecting to the passing of any By-law which must be passed with the consent of a certain portion of the Municipal Electors, may demand to be heard by the Municipal Council as to genuineness of the alleged signatures of applicants, their qualification, &c.

CLVII. And be it enacted, That each and every Returning Officer who shall hold any election under this Act, shall, during such election, act as a Conservator of the Peace for the County in which such election shall be holden, and he or any Justice of the Peace for such County, or

Returning Officers to act as Conservators of the Peace during elections.

for the Town or City in which such election shall be holden, shall and may arrest or cause to be arrested, and may try summarily, imprison or bind over to keep the peace or for trial, or cause to be summarily punished by fine or imprisonment, or both, any riotous or disorderly person or persons who shall assault, beat, molest or threaten any voter or elector coming to or going from such election; and when thereunto required, all Constables and other persons present at such election, are enjoined to be assisting such Returning Officer and such Justice or Justices of the Peace, on pain of being held guilty of a misdemeanor; and such Returning Officer or such Justice or Justices shall and may, when he or they consider it necessary, appoint and swear in any number of Special Constables to assist in preserving the peace and order at such election.

Constables, &c., to assist if required.

Penalty against persons refusing to serve as Special Constables.

CLVIII. And be it enacted, That any person liable to serve the office of Constable, and so required to be sworn in as Special Constable by any such Returning Officer, shall, if he shall refuse to be sworn in as such, be liable to a penalty of five pounds currency, to be recovered to his own use in any Court of competent jurisdiction, by him who will sue for the same.

Hours of holding elections.

Adjournments.

If no elector offers to vote in one hour.

CLIX. And be it enacted, That each election to be held under this Act shall commence at the hour of eleven of the clock in the forenoon of the day for which such election is appointed, and may be held until the hour of four of the clock in the afternoon of the same day and may then be adjourned until ten of the clock in the forenoon of the next day, and continue until four of the clock in the afternoon of such second day, unless the Returning Officer shall see that all the electors intending to vote have had a fair opportunity of being polled, and one full hour at one time shall have elapsed, and no qualified elector shall, during such time, give or tender his vote, free access being allowed to electors for such purpose, in which case he may close the election at four o'clock of the first day; or at any time before that hour on the second day.

Returning Officer to keep Poll Book, and in what form.

CLX. And be it enacted, That the Returning Officer at each of the said elections at which a poll shall be called for, shall keep a poll book, in which he, or his sworn Poll Clerk shall enter in separate columns the names of each of the persons proposed and seconded as candidates by any electors present at such election; and opposite to such columns, he shall write the names of the several electors offering to vote at such election, and in the respective columns in which are entered the name of the candidate voted for by each voter, he shall set the number one, and at the close of the poll such Returning Officer shall add up the number of voters for each candidate set down in their respective columns, and he shall declare which of the said candidates have the highest number of votes, beginning with the one having the greatest number, and so on until the whole number of candidates to be elected at such election having a greater number of votes in favour of each respectively than the remaining candidates shall appear, and he shall publicly declare the requisite number of candidates duly elected; and if any two or more candidates shall appear to have an equal number of votes, by reason of which equal number the election appears undecided, the Returning Officer whether otherwise qualified or not, shall give a vote for one or more of the candidates having equal numbers, so as to decide the election; Provided always, that no Returning Officer under this Act shall vote at any election which it shall be his duty to hold, except in the case of such equality of votes as aforesaid.

He shall declare the Candidates elected.

And shall have a casting vote in case of ties.

He shall not otherwise vote.

CLXI. And be it enacted, That after the close of any such election, the Returning Officer shall return the poll book to the Township, Village, Town or City Clerk of the Township, Village, Town or City in which the election has been holden, with an affidavit or affirmation thereto annexed, that such poll book contains a faithful and true statement of the poll, and with a certificate that certain persons, naming them, have been duly elected.

Returning Officer to return Poll Book to Town Clerk, &c., after election.

[XVII. And be it enacted, That in every case in which there shall not be more than two persons at the least qualified to be elected as Township, Village, Town or City, Councillor or Alderman for each Municipal Seat required by law to be filled by such election, the provisions of this Act respecting the qualification of persons to be elected to such Municipal Seat as required by the Municipal Corporations' Acts, shall be and the same are hereby suspended as far as regards such election, and the persons to be elected thereat, and no qualification or oath of qualification shall be required of any person elected to fill any of such Municipal Seats at such election; any thing in the Upper Canada Municipal Corporations' Acts, or any of them, to the contrary thereof notwithstanding.]

14 & 15 Vic., cap. 109, sec. 17.

The provision of this Act respecting the qualification of persons to be elected to municipal seats, to be suspended in a certain case.

No qualification, &c., required of the elected in such case.

[CLXII. And be it enacted, That in case any of the persons so declared to be elected, shall neglect or refuse to accept office, or to be sworn or affirmed into office, within the time in which the oath or affirmation of office is required to be taken, as hereinbefore provided, then the Head [of such Municipal Corporation for the preceding year, or in case of his absence or the vacancy of such office, then the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, any one of the members of such Municipal Corporation for the preceding year] shall forthwith by Warrant under his hand and seal, directed to the Returning Officer, require him to hold a new election to supply the place of such person, which such Returning Officer shall accordingly do within at least eight days after the receipt of such Warrant, and the person who shall be elected upon such War-

13 & 14 Vic., cap. 64, sec. 1.

If the person elected refuses to take office, a Warrant shall issue for a new election.

Proviso: the Corporation may immediately proceed to business.

rant shall be entitled and bound to be sworn or affirmed as Councillor, in the place of the person refusing office, or neglecting or refusing to be sworn or affirmed as aforesaid: Provided always, nevertheless, that the necessity for such second election shall not prevent or interfere with the immediate organization of the Municipal Corporation for the year, or their proceeding to business as if such seat were not vacant.]

13 & 14 Vic., cap. 64, sec. 1.

Vacancies in Municipal Corporations, how to be filled.

[CLXIII. And be it enacted, That all vacancies which may occur in any of such Municipal Corporations [by death, a judicial decision against the legality of any election, or otherwise however,] shall be filled by an election to be held under a Warrant directed to the Returning Officer under the hand and seal [of the head of such Municipal Corporation, or in case of his absence or the vacancy of such office, then under the hand and seal of the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, then under the hand and seal of any one of the Members of such Municipal Corporation:] Provided always, that the person [so elected shall hold his seat in such Corporation by virtue of such election,] for the residue of the term for which his immediate predecessor was elected, and no longer.]

As to notice of special elections.

CLXIV. And be it enacted, That all such Special Elections as are provided for by the two next preceding sections of this Act, shall be held upon at least four days' public notice to the Electors under the hand of the Returning Officer, and posted in at least four of the most public places in the Township, Village or Ward for which it is to be held.

13 & 14 Vic., cap. 64, sec. 1.

Proviso as to terms of office.

Provision in case of no election being held on an appointed day.

Appointment of Aldermen and Councillors.

[CLXV. And be it enacted, That if in any year there shall be no election held in any Township, Village, Town or Ward, on the appointed day, or if a requisite number [of candidates shall not have been elected, then,] and in every such case, it shall and may be lawful for the members of the Municipal Corporation in which such default of members shall occur, or if none be elected, then, for the members of such Municipal Corporation for the next preceding year, or the majority of them respectively, and they are hereby required to supply the deficiency by appointing the whole number of Aldermen and Councillors, when the whole number shall be deficient, from amongst the qualified freeholders and householders of the Township, Village, Town or City, or by appointing such a number of qualified freeholders and householders of such Township, Village, Town or City as will complete the full number of Aldermen and Councillors for the same, and the person so appointed shall be bound to accept office, and to be sworn in, under the same penalty as if elected.]

14 & 15 Vic., cap. 109, sec. 36.

Vacancies in offices of Warden, Mayor, &c., how to be filled up.

[CLXVI. And be it enacted, That if there shall be any vacancy or vacancies in the offices of [Warden, Mayor, Townreeve or Deputy Townreeve by reason] of the death or removal of residence of any such officer, the respective Municipal Corporations in which such vacancy shall occur, shall and may respectively choose, from amongst their own number, a qualified person to be a [Warden, Mayor, Townreeve, or Deputy Townreeve, as often,] as the case may occur.]

CLXVII. And be it enacted, That the Municipal Corporation in office on the day of general annual municipal elections, including all Councillors so appointed to make up deficiencies, shall hold office until their successors shall be elected or appointed and sworn into office, and the new Municipal Corporation shall be completed.

Corporations in office to hold until their successors are elected and sworn in.

[XXX. And be it enacted, That the following section shall be substituted for the repealed one hundred and sixty-eighth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That at any session or meeting of any Municipal Corporation under this Act, a majority of the whole number of those who shall by law form such Corporation, shall be a quorum for the dispatch of business; and if the person who ought to preside at any such meeting shall be absent, it shall and may be lawful for those present to appoint, from among themselves, a Chairman to preside at such meeting, and the Chairman so appointed shall have the same functions and authority in presiding at such meeting, as the person who, if present, would preside at such meeting; and all votes, resolutions, and proceedings of such meetings shall be carried by the majority of votes of the persons composing such meeting, other than the person presiding, who, in case of an equality of votes, shall have the casting vote: Provided always, that the concurrent votes of at least three Members of any Municipal Corporation shall be necessary to carry a vote, resolution, or proceeding at any meeting of such Corporation, where the whole number of Members constituting such Corporation shall be five, and the person presiding at such meeting shall always be allowed to vote when any of the five Members constituting the Corporation shall be absent, but shall not then be entitled to a double or casting vote.]

16 Vic., cap. 181, sec. 30.

Quorum of Councils of Municipalities, &c.

Majority to decide.

Casting vote.

Proviso: a certain proportion of votes required to carry every question.

CLXIX. And be it enacted, That it shall be the duty of each of such Municipal Corporations to appoint a County, City, Town, Township or Village Clerk, as the respective cases may require, who shall hold office during their pleasure, and who shall be paid by such salary as they shall appoint, to be taxed and levied upon the whole rateable property in such County, City, Town, Township or Village respectively, according to the assessment laws then in force in Upper Canada.

County Clerks, &c., to be appointed, to be paid by salary levied upon rateable property.

CLXX. And be it enacted, That it shall be the general duty of such Clerk to record in a book to be provided for that purpose, all the proceedings of the Municipal Corporation of which he shall be Clerk, and to make regular entries of all resolutions and decisions, and to record the vote of every person present entitled to vote on every question submitted, if required by any member present, and to preserve and file all accounts acted upon by the body to which he is Clerk, and to keep the books, records and accounts of such body, which shall be open without fee or reward to the inspection of all persons, at all seasonable times and hours.

Clerk to keep records of proceedings of Corporation, &c.

A Treasurer to be appointed for each County, &c., and a Chamberlain for each City.

Their Salary or per centage to be levied on rateable property.

Security.

CLXXI. And be it enacted, That it shall be the duty of the Municipal Corporations of the respective Counties, Towns, Townships and Villages to appoint a Treasurer, and of the Municipal Corporations of the respective Cities to appoint a Chamberlain of the same respectively, who shall hold office during their pleasure, and shall be paid by such salary or per centage as they shall appoint, (to be raised and levied rateably upon the whole rateable property of such County, City, Town, Township or Village respectively, according to the assessment laws then in force in Upper Canada,) and who shall give such security for the faithful performance of the duties of his office, and more especially for the due accounting for and paying over all moneys which shall come into his hands by virtue of his office, as the Municipal Corporation by which he was appointed shall direct.

13 & 14 Vic., cap. 64, sec. 1.

Duties of Treasurers and Chamberlains.

[CLXXII. And be it enacted, That it shall be the duty of each of such Treasurers and Chamberlains to receive and safely keep all moneys belonging to the County, City, Town, Township or Village for which he shall be appointed, and to pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the Municipal Corporation thereof, or by any law in force or to be in force in Upper Canada, and strictly to conform to and obey any such law or any By-law lawfully made by any such Municipal Corporation, and faithfully to perform [all such duties as may be assigned to him by any such law or By-law; Provided always, nevertheless, Firstly, That it shall moreover be the duty of every Township, Village and Town Treasurer, to receive from the Collector or Collectors of such Township, Village or Town, all moneys collected by such Collector or Collectors for or on account of the County Rates, and to pay the same over to the County Treasurer within such time as may be prescribed by any By-law of the Municipal Council of such County to be passed for that purpose: And provided also, Secondly, That the Municipal Corporation of such Township, Village or Town, shall be responsible to the Municipal Council of such County, for all such County Rates as shall or may be so paid to such Township, Village or Town Treasurer, who shall, together with his sureties, be responsible to such Municipal Corporation for the same as for moneys received by him on account of the Township, Village or Town Rates respectively: And provided also, Thirdly, That every such Township, Village or Town Treasurer shall keep an account in his books with the County Treasurer, and shall give receipts for all moneys received by him on account of the County, and receive from the Treasurer of such County receipts for all such moneys as he shall pay over to him on account of such County Rates; And provided also, Fourthly, That nothing herein contained shall in any way exonerate any such Collector from his liability or limit his liability to the Municipal Council of such County for any of the County Rates, whenever they shall choose to proceed against him instead of against the Corporation of such City, Village or Town (as the case may be) for the recovery thereof; And provided also, Fifthly, That for all County Rates so received and paid over to the County Treasurer, the Township, Village or Town Treasurer shall be entitled to receive and take to his own use a per centage of two and a half per cent. upon all such County Rates so received and paid over as aforesaid, and no more.]

Clerks, &c., to hold Office until removed by Corporation.

CLXXIII. And be it enacted, That the Clerk, Treasurer and Chamberlain so to be appointed by any Municipal Corporation as aforesaid, as well as all other officers to be appointed in like manner, and with regard to whose period of service no other provision is made by this Act or in any other law or By-law, shall hold their offices until removed therefrom by the Municipal Corporation for the time being, notwithstanding any change in the persons of whom such Municipal Corporation shall be composed, occasioned by any new election or appointment.

Books, &c., of present District Treasurers to be deemed chattels belonging to the different Municipal Corporations.

CLXXIV. And be it enacted, That all the books of the present District Treasurers, and all books, papers, accounts or documents of what kind soever, which shall have been kept by or shall have come into the possession of any person or officer to be appointed or employed by any Municipal Corporation, by virtue of his office or employment, shall be deemed to be chattels belonging to such Municipal Corporation; and all moneys or valuable securities which shall have been lawfully received or taken into his possession by virtue of his office or employment, shall be deemed to be moneys or valuable securities belonging to such Municipal Corporation; and if any such officer or person shall at any time fraudulently embezzle any such chattel, money or valuable security (and any refusal or failure to pay over or deliver up any such chattel money or valuable security to such Municipal Corporation, or to any officer or person by them authorised to demand the same, shall be held to be a fraudulent embezzlement thereof,) he may be indicted and proceeded against, and being convicted thereof, shall be liable to be punished in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security received or taken into his possession, by virtue of his employment, for and in the name and on the account of his master, may be indicted, proceeded against and punished: Provided always, that nothing herein contained shall prevent, lessen or impeach any remedy which such Municipal Corporation, or any other party may have against such offender or his sureties, or against any other party whomsoever; but, nevertheless, the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity against him.

Punishment of Officers embezzling or refusing to deliver the same, to the proper parties.

Proviso: other remedies not to be lessened.

Corporations created under this Act to be substituted for Corporations therefore

CLXXV. And be it enacted, That the Corporation created or to be created in and for any County or union of Counties, City, Town, Township or Village, by this Act, or under any provision therein contained, existing—and suits commenced by former Corporations may be continued by the new Corporations, and *vice versa.*

shall be substituted for and shall be in the place and stead of the Corporation theretofore existing in and for the same County or union of Counties under the name of District, City, Town, Township, Village or place by virtue of any Act or law in force immediately before the commencement of this Act, and so that any suit, action, prosecution, or other act, matter or thing, commenced or continued by such former Corporation, or to which it shall have been a party, shall not abate, but may be continued and completed by, with or against such new Corporation, in like manner and as validly to all intents and purposes as it might have been continued or completed by, with or against such former Corporation, and so that all estates and property, real or personal, and all debts and obligations of any kind, theretofore vested in or belonging to or due, or owing to or contracted in favour of such former Corporation, or the locality over which its jurisdiction shall extend, whether in the name of such Corporation or locality, or in that of some Officer thereof, and intended for the benefit of such Corporation or locality, shall thereafter be vested in and shall belong to and shall be due and owing to, and may be held, possessed and enjoyed, recovered and enforced by such new Corporation, and all debts, liabilities and obligations of such former Corporation, of what kind soever, or in what manner soever secured, shall become debts, liabilities and obligations of such new Corporation, secured and payable in like manner, and upon the same terms and conditions, and to be recovered and enforced if not paid or performed, in the same manner as they would have been recovered from or might have been enforced against such former Corporation or otherwise, as by this Act provided.

Corporations to take charge of debts due by localities under their jurisdiction, and provide for their payment.

CLXXVI. And be it enacted, That it shall be the duty of every such Municipal Corporation to take charge of any debt which may be due by the locality over which it has jurisdiction, and to direct the levy by tax upon the same, of such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal, according to the contracts and obligations which shall have been entered into in that behalf: and where any sum of money in the pound is by any Act of the Parliament of Upper Canada, or of this Province directed to be levied for the payment of any such debt or for any other special purpose, it shall be the duty of such Municipal Corporation, until the debt shall be paid or the purpose fully served for which such Act was passed, or until the service contemplated by such Act shall be otherwise provided for, or the Act repealed, to cause to be levied in each year upon such locality, a sum at least equal to the highest sum which shall have been raised for the same purpose in any one year before the passing of this Act.

What rates shall be levied for paying such Debts, in certain cases.

[CLXXVII. And be it enacted, That [subject to the provisions hereinafter contained, it shall be the duty of such Municipal Corporations, respectively, to cause to be assessed and levied upon the whole rateable property in their several Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year to pay all debts incurred or which shall be incurred, with the interest thereof, which shall fall due or become payable within such year, and no By-law hereafter to be passed for creating any such debt, or for contracting any loan, shall be valid or effectual to bind any such Municipal Corporation, unless such By-law shall contain a clause appointing some day within the financial year in which such By-law shall be passed, for the same to take effect and come into operation; nor unless the whole of such debt or loan shall by such By-law, and by the bills, bonds, debentures, or other obligations thereby authorized to be issued for the same, be thereby made payable within twenty years at the farthest (exclusive of the first and last days of such period) from the time that such By-law shall be so appointed to take effect and come into operation; nor unless a special rate per annum over and above and in addition to all other rates whatsoever shall be settled in such By-law to be levied in each year for the payment of such debt or the loan to be contracted, with the interest thereof, nor unless such special rate according to the amount of rateable property in such County, City, Town, Township or Village, as the case may be, as such amount shall have been ascertained by the assessment returns for such County, City, Town, Township or Village, for the financial year next preceding that in which such By-law shall have been passed, shall be sufficient to satisfy and discharge such debt or loan, with the interest thereof, within twenty years at the farthest from the time that such By-law shall be so appointed to take effect and come into operation and on the days and times and in the manner stipulated by such By-law, and by the bills, bonds, debentures, or other obligations directed to be issued for the amount of such debt or loan, under the authority thereof; and it shall not be competent to any such Municipal Corporation to repeal such By-law, or to discontinue such rate until the debt so created or the loan so contracted, and the interest thereof, shall be fully paid, satisfied and discharged; nor to apply the proceeds, of any such special rate, or any part of such proceeds, to any other purpose than the payment, satisfaction, and discharge of such debt or loan, and the interest thereof, until such debt or loan, with the interest thereof, shall have been fully paid, satisfied and discharged; Provided always, nevertheless, that in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment, satisfaction or discharge of such debt or loan, or the interest thereof, by reason of no part thereof being then due and payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government securities of this Province, or in such other securities as the Governor of this Province in Council shall think fit to permit, direct or appoint, and to apply all interest or dividends to arise, or be received upon the same, to the like purpose as the amount so levied by such special rate, and no other.]

14 and 15 Vic., cap. 109, sec. 36.

A sufficient sum to be levied by assessment for payment of all such debts, and interest.

By-laws creating or authorizing any debt not to be valid unless sufficient provision be therein made for levying moneys for the payment of such debt within twenty years.

Such By-law not repealable, &c.

Proviso: how any temporary surplus of such moneys may be invested.

CLXXVIII. And be it enacted, That any By-law by which it shall

By-laws for raising loans, &c., shall not be repealed or altered until the loans and interest thereon are fully paid.

be attempted to repeal any such By-law for raising any such loan, or for the payment and satisfaction of the debt contracted for any such loan or to alter any such last mentioned By-law so as to diminish the amount to be levied for the payment and satisfaction of such loan or the interest thereof, until such loan and interest shall be fully redeemed, paid and satisfied, shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever, and if any of the Officers of such Municipal Corporation shall, under pretence of such pretended By-law, neglect or refuse to carry into effect and execution the said By-law for levying the necessary moneys to redeem, satisfy and discharge such loan and the interest thereof, every such Officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such offender.

Punishment of Officers refusing to execute such By-law.

14 and 15 Vic., cap. 109, sec. 1 and 2.

Preamble,

[I. Whereas from the recent change in the Laws for the Assessment of Property for local purposes in Upper Canada, it has become necessary to make some corresponding alterations in those for the establishment and regulation of the Municipal Corporations of that section of the Province, the better to adapt the same to such change, as well as to make some further provisions with respect to such Municipal Corporations: Be it therefore enacted, &c., That nothing in that part of the eleventh section of the Act passed in the last Session of Parliament, chaptered sixty-seven, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, which requires that the sums which shall be required by Law or by any By-law of any Township or County, for any lawful purpose, shall and may be taxed, rated and raised, upon estimate of the amount required for any such lawful purpose, for each year in which such tax is to be levied, shall affect or be construed to affect or apply to By-laws for creating or contracting such debts or loans as are referred to in and by the one hundred and seventy-seventh section of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, when passed in the manner prescribed by that section as modified by the provisions of this Act, or to any By-laws relating to the same.]

Certain part of the 11th sec. of 13 and 14 Vic., c. 67, not to affect certain By-laws for creating or contracting debts or loans referred to in the 177th sec. of the U. C. Municipal Corporations' Act of 1849, or any By-laws relating thereto.

Recital.

[II. And whereas, in consequence of the said change in the said Assessment Laws, the rates imposed for the payment and satisfaction of debts and loans, heretofore incurred or contracted by Municipal Corporations, and Provisional Municipal Corporations in Upper Canada, under the provisions of the said one hundred and seventy-seventh section of the said Act, will, unless altered, produce a much larger annual amount of money than will be necessary for the payment and satisfaction of such debts and loans, with the interest thereof, within the time originally stipulated for that purpose, according to the provisions of the said one hundred and seventy-seventh section; and nevertheless, such Corporations are by the said Act precluded from either lessening such rate or applying any part of the proceeds thereof till after such payment and satisfaction, to any other purpose whatsoever;

Corporation empowered to make within a certain time, a By-law by which a new special rate for the payment of debt or loan may be substituted in lieu of the old special rate.

And inasmuch as the increased amount collected upon such rates will arise, not from the gradual growth of wealth and population within the jurisdiction of such Corporations respectively, but in consequence of an Act of the Legislature, extending the basis upon which such rates are made to operate, public faith, with the respective creditors of such Corporations, will not be violated by permitting such Corporations to substitute for such original special rates, new special rates, adequate to insure, under the provisions of the said new Assessment Law, the payment and satisfaction of such debts and loans, at the times originally stipulated for the payment and satisfaction thereof, within the twenty years limited by the said one hundred and seventy-seventh section of the said Act for that purpose; Be it therefore enacted, That with respect to any debt or loan, which shall have been lawfully incurred or contracted by any such Corporation according to the said one hundred and seventy-seventh section of the said Act, previous to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-two, it shall and may be lawful for any such Corporation at any time within two years from that day, to pass a By-law, substituting a new special rate for the payment and satisfaction of any such debt or loan, in lieu of the old special rate originally imposed for that purpose, such new special rate, according to the amount of rateable property in the County, or United Counties, City, Town, Township or Village over which such Corporation shall have jurisdiction, as such amount shall have been ascertained by the Assessment Returns for such County, City, Town, Township or Village, for the financial year next preceding that in which the By-law for the substitution of such new special rate in lieu of the old one, shall be passed, being sufficient to satisfy and discharge such debt or loan, with the interest thereof, within the twenty years limited by the said section for that purpose, and on the days and times, and in the manner stipulated by such original By-law, and by the Bills, Bonds, Debentures, or other Obligations issued under the authority thereof for the payment of the same; and it shall not be competent for any such Corporation to repeal such By-law for such new special rate, or to discontinue such new special rate until such debt or loan, and the interest thereof, shall be fully paid, satisfied and discharged, nor to apply the proceeds thereof or any part thereof, to any other purpose, until the full payment, satisfaction and discharge of the same, with the interest thereof: Provided always, nevertheless, Firstly,—That in every such case, the twenty years limited by the said one hundred and seventy-seventh section of the said Act shall, as far as it may affect the amount of such new special rate, be reckoned from the time that the original By-law for the incurring or contracting of such debt or loan shall, by the terms of such original By-law, or otherwise according to Law, have taken effect and gone into operation, and that in all other respects the several provisions of the said Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, and of this Act, respecting original By-laws for creating or contracting debts or loans by such Corporations, shall apply to all such By-laws for substituting new special rates in lieu of the old ones, as if such last mentioned By-laws had been for creating or contracting such debts or loans originally; Provided also, Secondly,—That

New special rate not to be discontinued until debt, &c., be fully paid.

Proviso.

Proviso.

no such By-law for substituting any such new special rate for the old one, shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other By-laws by the twelfth section of this Act; And provided also, Thirdly,—That before any such By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded, shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided for by the thirteenth section of this Act, with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned section shall apply to all By-laws to be passed under the authority of this section.]

Proviso.

Duty of Sheriffs with respect to Writs of Execution against Municipal Corporations, if endorsed to be levied by rate.

CLXXIX. And be it enacted, That it shall be the duty of every Sheriff who shall receive a Writ of Execution against any Municipal Corporation created or to be created under the authority of this Act, if such Writ shall be endorsed with a direction to such Sheriff to levy the amount thereof by rate, to deliver a copy of such Writ of Execution and endorsement to the Chamberlain or Treasurer of such Municipal Corporation, or to leave such copy at the office, place of business or dwelling house of such Chamberlain or Treasurer, with a statement in writing of his fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as conveniently may be to the same, and in case such amount, with interest thereon from the day mentioned in such statement, shall not be paid to such Sheriff within one calendar month after such service, it shall be the duty of such Sheriff to examine the adjusted and settled assessment rolls of such Municipal Corporation, on file in the office of the Clerk of such Corporation, and to strike a rate upon the same in like manner as rates may be struck by such Municipal Corporation for the general Municipal purposes of such Corporation, which rate shall be of a sufficient amount in the pound according to such assessment rolls to cover the amount so due on such execution, with such addition to the same as in the judgment of such Sheriff shall be sufficient to cover the interest, Sheriff's Fees, and Collector's per centage to accrue thereon to the time when such rate shall probably be available for the satisfaction of the same : And thereupon, such Sheriff shall, by a precept or precepts under his Hand and Seal of Office, directed to the different Collectors of such Municipal Corporation respectively, reciting such Writ of Execution, and that such Municipal Corporation had neglected to make provision according to Law for the satisfaction thereof, and containing the roll of such rate in a Schedule to be annexed to such precept, command such Collectors respectively, to levy and collect such rate within their respective jurisdictions, at the time and in the manner that they

Precepts to be issued to the Collectors.

Duty of Collectors under such precepts.

Return of precept.

Proviso as to surplus in hands of Sheriff after satisfying execution.

Proviso: Clerk and Assessors, &c., of Corporation to be considered as Officers of Court from which Writ issued, for certain purposes.

are by Law required to levy and collect the annual rates for the general purposes of such Municipal Corporation, and if at the time for levying and collecting such annual rates next after the receipt of any such precept, such Collectors shall have a general rate roll delivered to them for such year, it shall be their duty to add a column thereto, headed: "Execution rate in A. B. *vs.* The Township," *(or as the case may be, adding a similar column for each execution if more than one,)* and to insert therein the amount by such precept required to be levied upon each person respectively, according to the requirements of such precept, and to levy and collect the amount of such Execution rate from such persons respectively, in the same manner as such general annual rate is by law directed to be levied and collected by such Collectors, and to return such precept with the amount so levied and collected thereon, after deducting his per centage therefrom, to such Sheriff within the same time as such Collectors are or shall by law be required to make the returns of the general annual rate aforesaid to the Chamberlain or Treasurer of such Municipal Corporation; Provided always, nevertheless, firstly, that any surplus that shall remain in the hands of such Sheriff upon any such precept or precepts, after satisfying such Execution, and all interests, costs and fees thereon, shall by such Sheriff be paid over to the Chamberlain or Treasurer of such Municipal Corporation within ten days after the same shall be so received by him, and be applicable to the general purposes of such Municipal Corporation as the surplus of any other rate: And provided also, secondly, that the Clerk of such Municipal Corporation, and the several Assessors and Collectors of such Corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such Sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such execution, be taken and deemed to be Officers of the Court out of which such Writ of Execution issued, and as such shall be amenable to such Court, and may be proceeded against by Attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other Officers of such Court may by law be proceeded against for a similar purpose.

An annual account of debts of each Municipal Corporation to be submitted to the Governor General.

Particulars in such account.

CLXXX. And be it enacted, That every such Municipal Corporation shall, annually, on or before the thirty-first day of January in each year, transmit to the Governor General of the Province, through the Provincial Secretary thereof, in such form as shall from time to time be prescribed for that purpose, by any order of the Governor in Council, an account of the several debts of such Corporation as they may have stood on the thirty-first day of December preceding, specifying in such account the original amount of every such debt of which a balance remained due at that day, the date when such debt was contracted, the day of payment, the amount of interest to be paid therefor, the amount of the rate provided for the redemption and satisfaction of such debt and interest, the proceeds of such rate for the year ending on such thirty-first day of December, the amount of such original loan redeemed and satisfied during such year, the amount of interest, if any, unpaid on such day, and the balance still due on the principal of such loan.

Provision for the appointment of a Commission to investigate financial affairs of Municipal Corporations upon due cause shewn.

Powers of the Commissioners.

Act of Canada 9 V., cap. 38. cited.

As to expenses of Commission.

CLXXXI. And be it enacted, That upon the petition of one third or upwards of the members of any Municipal Corporation created or to be created under the authority of this Act, it shall and may be lawful for the Governor of this Province, if sufficient cause be shewn, by order in Council, to issue one or more Commission or Commissions under the Great Seal of this Province, directed to such person or persons as he shall think fit, empowering them to enquire into the financial and monetary affairs of such Municipal Corporation and all things connected therewith, and the person or persons so named in such Commission or Commissions, or as many of them as shall be thereby empowered to act in the execution thereof, shall have all such powers for the conducting such inquiry now by law vested in Commissioners of Inquiry appointed under the Act of the Parliament of this Province, passed in the ninth year of the reign of Her Majesty Queen Victoria, chapter thirty-eight, intituled, *An Act to empower Commissioners for inquiring into matters connected with the public business to take evidence on oath;* and the expense of executing every such Commission of Inquiry to be settled and allowed by the Inspector General of this Province for the time being or his Deputy, shall be borne by such Municipal Corporation, and so soon as the same shall be so settled and allowed as aforesaid, shall be a debt due to the Commissioner or Commissioners named in such Commission, to be provided for and paid by such Municipal Corporation as any other debt due by them in their corporate capacity, and upon default in payment of the same within three calendar months from the same having been demanded by such Commissioner or Commissioners, or any one of them, at the office of the Chamberlain or Treasurer of such Municipal Corporation, shall be recoverable against such Municipal Corporation as any other debt.

As to debts due by Municipal Corporations prior to 1st January, 1849: a By-law may be passed with approval of the Governor in Council, &c.

CLXXXII. And be it enacted, That with respect to any debt *bona fide* due by any District Municipal Council, City, Town or Village Council or Board of Police in Upper Canada, prior to the first day of January, one thousand eight hundred and forty-nine, it shall and may be lawful for the Municipal Corporation by this Act substituted for such District Municipal Council, City, Town or Village Council or Board of

Police, at any time within one year after the time appointed for this Act to commence, to pass a By-law providing for the liquidation of such debt, and upon such By-law being approved by the Governor of this Province in Council, none of the provisions of this Act by which increased facilities are provided for the recovery of debts due by such Municipal Corporation shall be applicable to such debts or any of them, until after default shall be made by such Municipal Corporation in raising the necessary funds for the discharge of such debts, or in applying such funds when so raised to the discharge of the same according to the provisions of such By-law; Provided always, nevertheless, first, that nothing herein contained shall extend or be construed to extend, to prevent any such Corporation in any such By-law where such Corporation may have heretofore issued Promissory Notes or Debentures to pass as money and which are still in circulation, to provide some mode for their gradual extinction by redeeming a certain portion thereof annually, and by substituting other Promissory Notes or Debentures in the place of such as remain unredeemed from time to time as they fall due, when the holders thereof are willing to receive the same in exchange till the whole of such Notes or Debentures are fully and completely redeemed and satisfied according to the provisions of such By-law; And provided also, secondly, that nothing herein contained shall extend or be construed to extend to deprive any of the Creditors of such Municipal Corporation of all such remedies as they now by Law possess for the recovery of such debts against the District Municipal Council, City, Town or Village Council or Board of Police, which they may be owed, all which remedies they shall continue to have against the Municipal Corporations substituted for such District Municipal Council, City, Town or Village Corporation.

Proviso as to Corporations which have lawfully issued Notes of Debentures intended to pass as money.

Proviso: present remedies of creditors not to be impaired.

14 and 15th Vic. cap. 109, sec. 3.

The time limited by the 182d sect. of the U. C. Municipal Corporations' Act of 1849, for passing By-laws for liquidation of debt, extended.

[III. And be it enacted, That the time limited by the one hundred and eighty-second section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, for the different Municipal Corporations therein mentioned, to pass By-laws providing for the liquidation of any such debt as in the said one hundred and eighty-second section of the said Act is mentioned, shall be and the same is hereby extended to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-three, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint: Provided always, nevertheless, that nothing herein contained shall be construed to extending the time for payment, or providing for the payment, of any such debts to a period beyond the time therein limited for that purpose, that is to say, within twenty years from the first day of January, one thousand eight hundred and fifty-one.]

Proviso.

14 & 15 Vic., cap. 109, sec. 4.

What shall be set forth in By-laws to be passed for creating a debt, &c., upon the credit of the County, &c., &c.

[IV. And be it enacted, That in every By-law to be hereafter passed by any Municipal Corporation, or Provisional Municipal Corporation in Upper Canada, for creating a debt or contracting a loan upon the credit of the County or United Counties, City, Town, Township or Village, of which there are such Corporation, there shall be recited or set forth, by way of preamble to the same:—First, the amount of such debt or loan, and in some brief and general terms the object for which the same was created or contracted; Secondly, the amount required to be raised annually, according to the one hundred and seventy-seventh section of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," as a special rate for the payment of such debt or loan, and the interest thereof, within the time thereby limited for the satisfaction and discharge of all such debts and loans, at the days and times when the same shall become payable, according to such By-law; Thirdly, the amount of the whole rateable property of such County, Union of Counties, Cities, Town, Township or Village, according to the Assessment Returns for the same, for the then next preceding financial year; and, Fourthly, the annual rate in the Pound upon such rateable property required as a special rate for the payment of the said interest, and for the creation of a Sinking Fund for the payment of the principal of such debt or loan, according to the requirements of the said one hundred and seventy-seventh section of the said Act; which amounts shall be ascertained, irrespective of any future increase of the rateable property of such County, Union of Counties, City, Town, Township or Village, and also irrespective of any income, whether in the nature of tolls, interest or dividends, to accrue or be derived from any public or Corporation work, or any stock, shares or interest in any such work, in or upon which such debt or loan, shall or may, by such Municipal Corporation, be invested or applied, or any part thereof, and also irrespective of any income to be derived from the temporary investment of such Sinking Fund, or any part thereof, pursuant to the provisions of the said one hundred and seventy-seventh section of the said Act.]

14 & 15 Vic., cap. 109, sec. 5.

Corporation, in By-law, may direct how any annual surplus of income to be derived from certain works, &c., shall be applied to payment of debt.

[V. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, in any such By-law, or in any other By-law to be passed for that purpose, if they shall think fit so to do, to direct that any annual surplus of income which shall be derived from any such public or Corporation work, or from any stock shares, or interest in any such work, after payment out of such annual income of all the annual expenses of such work, stock, shares or interest, shall be applied to the payment and satisfaction of such debt or loan; and whenever any such provision shall be contained in the By-law for creating or contracting such debt or loan, it shall not be competent to any such Corporation to alter or repeal such provision, or to discontinue the application of such surplus to the payment and satisfaction of such debt or loan, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.]

14 & 15 Vic., cap. 109, sec. 6.

Corporation how further to apply moneys.

[VI. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, from time to time, to apply any moneys in the Corporation Treasury belonging to such County, Union of Counties, City, Town, Township or Village, not otherwise appropriated, and also any other moneys which they may think fit, by any additional rate, to raise, levy and collect for that purpose, to the payment of any such debt or loan: Provided always, nevertheless, that no such moneys, having been once by Order or By-law of such Corporation directed to be so applied, shall thereafter, on any pretence whatsoever, be diverted, appropriated or applied to any other purpose whatsoever, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.]

Proviso.

[VII. And be it enacted, That in the books of every such Corporation, or Provisional Corporation, two separate accounts shall be kept, one for every such special rate, and one for the Sinking Fund of such debt or loan, to be both distinguished from all other accounts in such books by some prefix designating the purpose for which such debt or loan was created or contracted; which accounts, with any others that may be necessary for that purpose, shall be so kept as at all times to exhibit the state of such debt or loan, and the amount of moneys raised, obtained, and appropriated for the payment thereof.]

14 & 15 Vic., cap. 109, sec. 7. Corporation bound to have two separate accounts kept in their books, one for every special rate, and one for sinking fund, &c.

[VIII. And be it enacted, That when, after the regular application of the necessary amounts to the interest and Sinking Fund appropriation of any loan or debt for any financial year according to law, there shall at the close of such year still remain a residue at the credit of the special rate account of such debt or loan, as raised by such special rate during such year, or on hand from former years, if such residue shall not amount to more than sufficient to meet the interest that shall fall due on such debt or loan, or on the amount thereof still remaining unpaid, during the financial year next subsequent to the occurrence of such residue, the amount of such residue shall remain at the credit of such special rate account, to be applied to or towards the payment of such next subsequent year's interest, in case the produce of the special rate belonging to such debt or loan for such next subsequent year should not be sufficient, or should not be collected and paid into the Corporation Treasury in sufficient time to meet the payment of such interest at the days and times when the same shall become due and payable. And when such residue shall amount to more than sufficient to meet such interest for such next subsequent year, the amount necessary to meet such interest for such next subsequent year shall remain at the credit of such special rate account, to be applied to the payment of such next subsequent year's interest, in the like cases as those above mentioned; and the remainder of such residue at the credit of such special rate account, as raised by such special rate during such first mentioned financial year, shall be carried to the credit of the Sinking Fund account of such debt or loan, and applied accordingly.]

14 & 15 Vic., cap. 109, sec. 8. After due application of moneys to interest and sinking fund appropriation of any loan or debts, how the amount of residue, when any remain at the credit of the special rate account, at the close of any year is to be applied.

[IX. And be it enacted, That the amount of any annual surplus of income derived from the Public or Corporation work, or from the stock, shares or interest in such work so directed to be applied to the payment and satisfaction of such debt or loan, according to the provisions of the fifth section of this Act, together with all special appropriations made

14 & 15 Vic., cap. [illegible] sec. 9. [illegible] amount [illegible] &c., to [illegible] to the credit of the sinking fund

account, and how to be applied.

for the payment and satisfaction of such debt or loan according to the provisions of the sixth section of this Act, and the income derived from the temporary investment of the Sinking Fund appropriated to the payment and satisfaction of such debt or loan, or any part thereof, according to the provisions of the said one hundred and seventy-seventh section of the said Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, shall be carried to the credit of the Sinking Fund account of such debt or loan, and be applied exclusively to the payment and satisfaction of such debt or loan, and the interest thereof accordingly.]

14 & 15 Vic., cap. 109, sec. 10. When and how the Corporation may frame and pass a By-law providing for the levying of a certain reduced rate for any year, in a certain case.

[X. And be it enacted, That if in the case of any particular debt or loan created or contracted as aforesaid, the amount of the residue of the special rate imposed for the payment and satisfaction thereof, and raised and collected for any particular year, or on hand from former years, together with that of the surplus of the income derived from any such work, stock, shares or interest applicable to the augmentation of the Sinking Fund, of such debt or loan, under the fifth section of this Act, and the amount of any temporary investment of such Sinking Fund, or of any part thereof, which shall be carried to the credit of such Sinking Fund for such year as aforesaid, shall together, or any one or more of them separate from the other or others, amount to more than the amount so required to be raised annually as a special rate for the payment and satisfaction of such debt or loan with the interest thereof, within the time so limited for the satisfaction and discharge of all such debt or loans by the said one hundred and seventy-seventh section of the said "Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine," and by the fourth section of this Act required to be set forth in the Preamble to the By-law for the creating or contracting such debt or loan, then and in every such case it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, if they shall think fit so to do, by a By-law to be passed by them for that purpose, reciting or setting forth by way of Preamble; First, the amount of such special rate as imposed by the By-law for the creating or contracting of such debt or loan; Secondly, the amount of the residue (if any) of such special rate for the particular year, or on hand from former years; Thirdly, the amount of such surplus annual income from such work, stock, shares or interest as aforesaid (if any) for such year so appropriated as aforesaid; and Fourthly, the amount derived for such year from the Sinking Fund of such debt or loan,—to direct that for the next subsequent year after the occurrence of such aggregate or separate surplus, any amount not greater than the amount of such special annual rate, nor less than the difference between the amount of such special annual rate, and such aggregate or separate surplus derived from the several sources above mentioned, shall be levied under the said first mentioned By-law, and to set forth in such last mentioned By-law the amount in the pound upon the whole assessed property of such County, Union of Counties, City, Town, Township or Village, which for such next subsequent year shall be levied under the said original By-law for creating or contracting such debt or loan, in lieu of that thereby directed to be levied; and upon

Such By-law, when approved by Governor, how to apply.

such above mentioned By-law providing for the levying of such reduced rate for any year, being approved by the Governor of this Province in Council, every such reduced rate shall for such year, but no other, be raised, levied, collected and applied under the said original By-law in lieu of such original special rate for such particular subsequent year, and all the provisions of such original By-law shall apply to such reduced rate as if it had been the rate originally imposed by such original By-law.]

14 & 15 Vic., cap. 109, sec. 11. Corporation may, in a certain case, substitute an Anticipatory Appropriation in lieu of the annual special rate, by applying certain moneys to the payment of the interest and sinking fund appropriation of debt or loan for any subsequent financial year.

[XI. And be it enacted, That when any such debt or loan shall have been created or contracted by any such Municipal Corporation or Provisional Municipal Corporation, and all the necessary provisions for providing for and securing the payment and satisfaction thereof duly made according to the requirements of "The Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations' Law Amendment Act of one thousand eight hundred and fifty," and this Act, if at any time thereafter it shall be deemed expedient by such Municipal Corporation, or Provisional Municipal Corporation to substitute an Anticipatory Appropriation for the interest and Sinking Fund appropriation of such debt or loan for any particular financial year subsequent to that in which such Anticipatory Appropriation shall be made as hereinafter provided, in lieu of the annual special rate for such subsequent year, applicable to the payment and satisfaction of the annual interest and Sinking Fund appropriation of such debt or loan for such subsequent year, it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, to make such Anticipatory Appropriation by appropriating and applying to the payment and satisfaction of the interest and Sinking Fund appropriation of such debt or loan for such subsequent year; Firstly, any moneys that may remain at the credit of the special rate account of such debt or loan beyond what may be necessary to meet all other similar Anticipatory Appropriations from such special rate account, and beyond also whatever may be necessary to meet the interest of such debt or loan for the year next subsequent to that in which such Anticipatory Appropriation shall be made as hereinbefore provided; Secondly, any surplus of annual income derived from any such work, stock, shares or interest, and then applicable to the augmentation of the Sinking Fund of such debt or loan as hereinbefore provided and not already appropriated; Thirdly, any moneys derived from any temporary investment of such Sinking Fund or of any part thereof not already appropriated for any particular year; Fourthly, any moneys that such Municipal Corporation, or Provisional Municipal Corporation may, by additional rate or otherwise, have raised for the purpose of any such Anticipatory Appropriations, and not then already appropriated to any particular debt or loan for any particular year; and, Fifthly, any other moneys of such Municipal Corporation or Provisional Municipal Corporation then in the Corporation Treasury and unappropriated, or any of such moneys, distinguishing in their By-law or Order for such Anticipatory Appropriation, the several sources of the amount forming the aggregate of such Anticipatory Appropriation respectively, and distinguishing in like manner, the amount of such Anticipatory

Sources of the amounts forming the aggregate of such Anticipatory Appropriation to be distinguished in by-law or order.

As also the amount to be applied for the interest, and that to be applied for sinking fund.

Sums how to be carried.

Appropriation to be applied for the interest, and that to be applied for the Sinking Fund appropriation of such debt or loan for such subsequent year respectively; and to cause such sums to be carried to the credit of the Sinking Fund account of the debt or loan which shall be the object of such Anticipatory Appropriation, to be applied accordingly.]

14 & 15 Vic., cap. 109, sec. 12. Corporation having made such Anticipatory Appropriation, may by By-law direct the original special rate not to be levied for such subsequent year; such By-law to recite certain things.

By-law subject to the Governor's approval.

[XII. And be it enacted, That it shall and [may be lawful for any Municipal Corporation or Provisional Municipal Corporation which by By-law or Order shall have made any such Anticipatory Appropriation as is provided for by the next preceding section of this Act, by a By-law to be passed by them for that purpose, and reciting or setting forth by way of Preamble to such last mentioned By-law; First, the original amount of such debt or loan, and by some brief and general terms the object for which the same was created or contracted; Secondly, the amount of the annual Sinking Fund appropriation for the payment and satisfaction of such debt or loan; Thirdly, the amount of such debt or loan, if any, which shall have been already paid or satisfied; Fourthly, the amount of the Sinking Fund appropriations belonging to such debt or loan then on hand for the payment and satisfaction thereof, distinguishing the amount thereof in cash in the Corporation Treasury, and the amount temporarily invested, pursuant to the one hundred and seventy-seventh section of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine; Fifthly, the amount required to meet the interest of such debt or loan, or of so much thereof as shall not have been already paid and satisfied for such subsequent year; and Sixthly, that there had been appropriated and applied by such Corporation, a sum of money equal to the amount of interest and Sinking Fund appropriation required for such year, to meet such interest and Sinking Fund appropriation, and that they had caused the same to be carried to the credit of the Sinking Fund account of such debt or loan, to be so applied accordingly,—to direct the original special rate imposed for the payment and satisfaction of such debt or loan and the interest thereof, not to be levied for such particular subsequent year for which such Anticipatory Appropriation shall have been so made as aforesaid; and upon such last mentioned By-law being approved by the Governor of this Province in Council, such original special rate shall not nor shall any part thereof be raised, levied or collected under such original By-law or otherwise in or for such particular subsequent year, any thing in the said, "The Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations' Law Amendment Act of one thousand eight hundred and fifty," or in this Act to the contrary thereof notwithstanding.]

14 & 15 Vic., cap. 109, sec. 13 Facts required to be stated in By-law, to be verified

[XIII. And be it enacted, That before any such last mentioned By-law, or any other By-law requiring such approval, shall be approved by the Governor in Council as required by the next preceding Section of this Act, the facts therein required to be recited or set forth by way of Preamble to the same, shall be verified upon oath or affirmation to be taken before a Justice of the Peace or Alderman having Magisterial jurisdiction within the territorial limits of such Corporation, by the Head of such Corporation, the Chamberlain or Treasurer and Clerk thereof for the time being, and also by the further testimony on oath or affirmation, to be taken in like manner, of the same and such other parties or persons as may be required by the Governor in Council, and be sufficient to satisfy him of the truth of such recitals: Provided always, nevertheless, that in case of the death or absence of any such Municipal Officer, it shall and may be lawful for the Governor in Council, if he shall think fit so to do, to accept the oath or affirmation of any other Member of such Corporation, in lieu of that of such Officer so dead or absent as aforesaid.]

By whom.

Proviso.

[XIV. And be it enacted, That where any such original By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation, for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Municipal Corporations' Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, to repeal such By-law at any time before the creating of any part of such debt or the contracting of any part of such loan, and the actual issue of the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation, or Provisional Municipal Corporation, for the same.]

14 & 15 Vic., cap. 109, sec. 14.
Corporation may repeal original By-law in certain cases.

[XV. And be it enacted, That where any such By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, at any time after a part of such debt or loan shall have been created or contracted, and the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation or Provisional Municipal Corporation shall have been actually issued for the same, and before the residue of such debt or loan shall have been so created or contracted, and such Bills, Bonds, Debentures or other Obligations actually issued for the same, by any By-law to be passed for that purpose, to repeal such original By-law so far as the same relates to such residue or any part thereof, and the proportionate part of the original special rate imposed for the payment and satisfaction of such residue or such part thereof; Provided always, nevertheless, Firstly, that every such last mentioned repealing By-law, by a clause to be inserted therein, shall be appointed to take effect and come into operation on the thirty-first day of December in the year in which the same shall be passed, and not before, and shall not in any way affect any rates due or penalties incurred previous to such day: And provided also, Secondly, that no such last mentioned repealing By-law shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other

14 & 15 Vic., cap. 109, sec. 15.
When certain parts of original By-law may be repealed.

Proviso.

Proviso.

Proviso.

By-laws by the twelfth section of this Act; And provided also, Thirdly, that before any such last mentioned repealing By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided by the thirteenth section of this Act with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned section shall apply to all By-laws to be passed under the authority of this section.]

14 & 15 Vic., cap. 109, sec. 16.
No By-law for creating any debt, &c., under the 177th section of the U. C. Municipal Corporations Act of 1849, to be passed except at a meeting of Corporation specially called for, held at a certain time.

Notice of meeting to be published.

Proviso.

[XVI. And be it enacted, That no By-law for creating any debt or contracting any loan under the one hundredth and seventy-seventh section of "The Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine," shall be passed, except at a meeting of the Municipal Corporation or Provisional Municipal Corporation, specially called for the purpose of considering the same, and held at least three calendar months after a copy of such By-law, at length, as the same shall be ultimately passed, together with a notice of the day appointed for considering the same, shall have been published in some public newspaper, published weekly or oftener, within the territorial jurisdiction of such Corporation, or if there be no such public newspaper published within such jurisdiction, then in such public newspaper published nearest to such jurisdiction: Provided always, nevertheless, that the notice of such meeting to be appended to every such copy for the purpose aforesaid, shall and may be to the effect following, that is to say:

Form of Notice.

"Notice:—The above is a true copy of a proposed By-law to be "taken into consideration by the Municipality of the Township of A, in "the County of B, one of the United Counties of B, C and D, at " , in the said Township, on the day of , "185 at the o'clock in the noon, at which time and "place the Members of the said Municipality are hereby required to "attend for the purpose aforesaid.

G. H.,

Township Clerk."]

16 Vic., cap. 181, sec. 39.
Provisions of s. 4 and 16 of 14 & 15 V. c. 109 to affect any By-law passed under the Act 14 & 15 V. c. 124, or the securities issued under such By-law.

[XXXIX. And be it further enacted, That none of the provisions of the fourth or sixteenth Sections of "The Upper Canada Municipal Corporations Law Amendment Act of 1851," shall be held to affect or apply to any By-law or By-laws passed or enacted, or to be passed or enacted, by any Municipality or Municipal Corporation in Upper Canada, under the authority of or for any of the purposes mentioned in the Act of the Legislature of this Province passed in the Session of the said Legislature holden in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to enable Municipal Corporations in Upper Canada to contract debts to the Crown in the purchase of Public Works, without imposing a special rate or tax for the payment of the same*, or to any debts, bonds, deeds, covenants or other securities, contracted, made or executed to Her Majesty, Her Heirs or Successors, under the provisions of the last mentioned Act, or for any of the purposes therein mentioned.]

Municipal Corporations not to act as Bankers or to issue bonds, &c., to pass as money.

Nor give any Bond, &c., of a less amount than £25.

Penalty for contravening this section.

Proviso as to Bonds, &c., issued with approval of Governor in Council.

CLXXXIII. And be it enacted, That it shall not be lawful for any of the Municipal Corporations to continue or be incorporated under the authority of this Act to act as Bankers, or to issue any Bond, Bill, Note, Debenture or other undertaking, of what nature or kind soever, or in what form soever, in the nature of a Bank Bill or Note, or for the payment of any money intended to form a circulating medium to supply the place of specie, or otherwise pass as money; nor shall it be lawful for any of such Municipal Corporations to make or give any Bond, Bill, Debenture or other undertaking for the payment of any loan contracted by such Corporation, or of any debt due by such Corporation, or of any part of such loan or debt, of a less amount than twenty-five pounds of lawful money of Canada; and if any such first mentioned Bond, Bill, Note, or Debenture or other undertaking, shall be issued or put in circulation by any such Municipal Corporation or under its direction or authority, or under the direction or authority of any of its officers or servants, or of any other person or persons whomsoever, or if any such last mentioned Bond, Bill, Debenture or other undertaking, shall be made or given by any such Municipal Corporation for the payment of a less amount of money than twenty-five pounds as aforesaid, every such Bill, Bond, Note, Debenture or undertaking, shall be absolutely null and void to all intents and purposes whatsoever; Provided always, nevertheless, that nothing in this section contained shall extend or be construed to extend, to any Bond, Bill, Note, Debenture or other undertaking, to be issued under the authority of any such By-law as shall or may be passed with the consent of the Governor of this Province in Council, for providing for the payment and satisfaction of certain debts mentioned in the last preceding section of this Act.

Any person issuing, making, or uttering Bonds contrary to this Act, to be guilty of misdemeanor.

Act of U. C. 7 W. 4, c. 13.

CLXXXIV. And be it enacted, That every person who shall issue or make, or assist in the issuing or making of any such Bonds, Bills, Notes, Debentures, or undertakings for the payment of money contrary to the provisions of the next preceding section of this Act, and every person who shall knowingly utter or tender in payment or in exchange, any of such Bonds, Bills, Notes, Debentures or undertakings for the payment of money, shall be guilty of a misdemeanor, as provided in and by the third section of the Act of the Parliament of the late Province of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, Chapter thirteen, and intituled, *An Act to protect the public against injury from Private Banks.*

16 Vic., cap. 181, sec. 31.

Mode of prosecuting

[XXXI. And be it enacted, That the following section shall be substituted for the repealed one hundred and eighty-fifth section of the Act first above cited, and shall be read as part of the said Act: And be

Offences against By-laws where no other is provided.

Application of penalty.

Proviso.

Proviso.

it enacted, That all persons committing any offence against any By-law lawfully made by any Municipal Corporation, under the authority of this Act or of any other Act of the Legislature of this Province passed or hereafter to be passed, and with regard to prosecutions for which no other provision is made, may be prosecuted in a summary way before any one or more Justices of the Peace having jurisdiction within the locality in which the offender shall be resident, or within that in which the offence was committed, and such Justice or Justices or other authority before whom any conviction for any such offence shall be had (and any such offender may be convicted on the oath or affirmation of any competent witness other than the prosecutor or informer) shall have full power and authority to award the penalty or the imprisonment, as the case may be, imposed by the By-law under which the conviction shall be had, with the costs of prosecution, against the offender, and to commit the offender to the Common Gaol if the offence be punishable by imprisonment, and to cause the penalty to be levied with costs if not forthwith paid by distress and sale of the goods and chattels of the offender, by Warrant under the hand and seal of such Justices or one of them, or of the Chairman or Presiding Officer of the Court before whom such conviction was had; and one moiety of any such pecuniary penalty shall go to the Treasurer or Chamberlain of the Corporation against the By-law whereof the offence shall have been committed, and shall form part of the funds at the disposal of such Corporation; Provided always, firstly, that any such prosecution may be brought in the name and on the behalf of such Corporation as aforesaid, and in that case the whole of such pecuniary penalty shall be paid to the Treasurer or Chamberlain of such Corporation and form part of such fund as aforesaid; And provided also, secondly, that any member of the Municipal Corporation under the By-law whereof any such prosecution as aforesaid shall be brought, being *ex officio* or otherwise a Justice of the Peace within such locality, may act as such with regard to such prosecution.]

Officers, &c., of Corporation competent witnesses and jurors, in cases in which the Corporation shall be a party.

CLXXXVI. And be it enacted, That as well with regard to any such prosecution as to any suit, action or proceeding to which any Corporation created or to be created by or under this Act shall be a party, no member, officer or servant of such Corporation shall be deemed an incompetent witness, nor shall his testimony be objected to on the ground of his being interested in the matter, as such member, officer or servant of such Corporation, nor shall he be liable to challenge on such ground as a juror, if he have no more direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage or custom to the contrary notwithstanding.

13 & 14 Vic., cap. 54, sec. 1.
Corporations not to stop up original allowances for roads.

[CLXXXVII. And be it enacted, That it shall not be competent to the Municipality of any Township or to the Municipal Council of any County, to pass any By-law for stopping up any original allowance for Roads in any Township or County, (nor on the limits of any Village or Town, or City therein, or on the borders thereof: Provided always, Corporation not to stop up original allowances for roads.

nevertheless, Firstly, That it shall and may be lawful for the Municipality of any Township, within which any Police Village or any other Village or Hamlet consisting of not less than twenty dwelling houses, standing within an area of not more than two hundred acres, shall be situate, upon the petition of the Trustees of such Village in the case of a Police Village, and in other cases upon the petition of fifteen of the inhabitant Householders of such Village or Hamlet, accompanied by a certificate from the Registrar of the County within which such Township shall lie, that a plan of such Village or Hamlet had been duly deposited in his office according to the then existing requirements of the Registry Laws in force in Upper Canada in that behalf, by any By-law to be passed by such Municipality for that purpose, to stop up, sell and convey or otherwise deal with any original allowance for Road that may lie within the limits of such Village or Hamlet, as the same shall be laid down on such plan, in the same manner as the Municipality of any Incorporated Village is empowered to stop up, sell, convey, or otherwise deal with any such original allowance for road within the limits of such Incorporated Village, but subject always, nevertheless, to all and singular the directions, limitations and restrictions, and other the provisions in the one hundred and eighty-eighth section of this Act, contained respecting the same: Provided also, Secondly, That a Village or Hamlet situate partly within one Township and partly within another, whether such Township shall be within the same or different Counties, shall be a Village or Hamlet within the meaning of this section, and that in every such case the Municipality of each of such Townships shall have the powers hereby conferred as far as respects any original allowance for road, lying within that part of such Village or Hamlet, which according to such plan so deposited in the Registry Office or Registry Offices of such County or Counties shall be situate within the respective limits of such Townships.]

16 Vic., cap. 181, sec. 32.

Site of old Road not being an original Road allowance, how to be disposed of, when the place of the Road is altered by By-law.

[XXXII. And be it enacted, That the following section shall be substituted for the repealed one hundred and eighty-eighth section of the Act first above cited (12 Vic., cap. 81, as amended 14 and 15 Vic., sec. 36), and shall be read as part of the said Act: "And be it enacted, That on the alteration of any Road under the authority of this Act, where the Road thus altered shall not have been an original allowance for Road, or where the same shall be within any incorporated Village, Town or City or the liberties thereof, the site of such old Road shall and may be sold and conveyed by the Municipal Corporation under whose authority the alteration was made, to the party or parties next adjoining to whose land or lands the same shall have run, or in case of his, her or their refusal to become the purchaser or purchasers thereof, at such price or prices respectively as such Municipal Corporation shall think reasonable, then to any other person or persons whomsoever; Provided always, nevertheless, that it shall not be lawful for any such Municipal Corporation to sell and convey any such old Road or any part thereof to any other than the person or persons first mentioned at any given price, until such first mentioned person or persons shall have refused to become the purchaser or purchasers thereof at such price; and in case the person or persons now in possession of any concession Road or side line may have laid out streets in any City, Town or

Proviso: certain parties to have the preference to purchase it, &c.

Persons giving land for road.

Village without any compensation therefor, he or they shall be entitled to retain the land within such City, Town or Village, originally set apart for such concession Road or side line, in lieu of the street set apart by him in place of the said concession Road or side line; and the Municipal Corporation of such City, Town or Village may convey such land so retained in fee to the person or persons so entitled to retain possession, or to his or their heirs and assigns for ever.]

Conveyance as to purchase.

Roads not to exceed ninety nor be less than forty feet in breadth.

CLXXXIX. And be it enacted, That no Road to be hereafter laid out, under the authority of this Act shall be more than ninety feet nor less than forty feet in width; provided always, that nothing in this section shall extend or be construed to extend to affect any Road now established under the provisions of any Act heretofore in force in Upper Canada, nor when any Road shall be altered under the authority of this Act to prevent such altered Road from being laid out, of the same width as the old one.

Proviso as to Roads now established.

Powers, &c., of Magistrates in Quarter Sessions with respect to Highways, &c., vested in Municipal Corporations.

CXC. And be it enacted, That all powers, duties or liabilities vested in or belonging to the Magistrates in Quarter Sessions, with respect to any particular Highway, Road or Bridge in Upper Canada at the time this Act shall come into force, shall from thenceforth become and be vested in and belong to the Municipal Corporation of the County in which such Highway, Road or Bridge shall lie, or in case of such Highway, Road or Bridge lying within two or more Counties, shall be vested in and belong to the Municipal Corporations of both such Counties, subject always to the provisions of this Act as to the mode and manner of exercising, performing and meeting such powers, duties and liabilities, and all rules and regulations made and directions given by such Municipal Corporation or Corporations in the premises shall have the like force and effect to all intents and purposes whatsoever, as those which such Magistrates had previously the power of making or giving respecting the same, and neglect of or disobedience to any such rules, regulations or directions so to be made or given by such Municipal Corporation or Corporations, shall subject the defaulter or defaulters in the premises to the like penalties, forfeitures and other consequences both civil and criminal as such neglect of or disobedience to similar rules, regulations or directions of such Magistrates would have subjected them to, previous to this Act coming into force.

As to rules and regulations made by them.

14 & 15 Vic., cap 109, sec. 38.

Corporation may authorize persons to plank, &c., Roads, or build Bridges within their jurisdiction.

[CXCI. And be it enacted, That it shall and may be lawful for any of the Municipal Corporations, created or to be created under the authority of this Act, to authorize by By-law any person or persons who may be willing to contract with them, for that purpose, to plank, gravel or macadamize any road or to build any bridge, which, under the provisions of this Act, any such Municipal Corporation would themselves have a legal right to plank, gravel, macadamize or build, and to grant to such person or persons in consideration or part consideration of the execution of such work, the tolls to be levied on the same after it shall have been completed; Provided always, firstly, that the rate of tolls to be taken upon such work, shall in all cases be fixed by By-law of such Municipal Corporation, and not be in the discretion of such person or persons so contracting as aforesaid; And provided also, secondly, that no such tolls shall be leviable until such Municipal Council shall by a subsequent By-law have declared that the work contracted for has been completed, and that the tolls may be collected thereon accordingly; And provided also, thirdly, that the grant of such tolls shall in no case be for a longer period than [twenty-one years] from the time of the passing of such last mentioned By-law by which the levying of such tolls shall become lawful; And provided also, fourthly, that it shall be the duty of such person or persons during the period that his or their right to levy tolls under such By-law shall continue, to keep or maintain such road or bridge in good and proper repair; And provided also, fifthly, that none of the powers and privileges conferred by an Act in this present Session of Parliament, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, shall extend to confer upon any Company formed or pretended to be formed under the authority of that Act, any power or interference with any authority conferred by any such By-law upon any person or persons under the authority of this section.]

Proviso: Tolls to be fixed by Corporation.

Proviso: tolls not leviable until the work is completed.

Proviso: tolls not to be granted for more than [twenty-one years.]

Proviso: persons receiving tolls, to keep roads, &c., in repair.

Proviso as to companies formed under the general Act of this Session.

[CXCII. And be it enacted, That it shall not be lawful for any of such Municipal Corporations to make any By-law [for the opening, stopping up, altering,] widening or diverting any public highway, road, street or lane until they shall have caused at least one calendar month's notice to have been given by written or printed notices put up in the six most public places in the immediate neighbourhood of such highway, road, street or lane, nor until they shall have heard in person or by counsel or attorney, any person through whose land such highway, road, street or lane, or proposed highway, road, street or lane shall run, and who may claim to be so heard before them: Provided always, nevertheless, that nothing either in this section or in any other of the provisions of this Act shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to interfere in any way with any of the public roads or bridges in Upper Canada, which by Act of Parliament or otherwise, now are or hereafter may be vested in Her Majesty, or in any public department or board of Her Majesty's Provincial Government as a Provincial public work; with respect to all and every which Provincial public works whether roads or bridges, all and singular the powers by this Act conferred upon or vested in such Municipal Corporations, with respect to other roads and bridges within the limits of their respective jurisdictions, shall be and the same are hereby vested in and shall and may from time to time and at all times hereafter be exercised by the Governor of this Province in Council with respect to such Provincial public roads and bridges and every of them, by such orders in Council as shall or may from time to time be made for that purpose.]

13 & 14 Vic., cap. 64, sec. 1.

Corporation not to stop up Roads, &c., without one month's notice, &c.

Proviso: Corporations not to interfere with Roads, &c., vested in Her Majesty or any public department.

Powers of Governor in Council as to such Roads.

Corporations not to interfere with the alignment, &c., of Roads laid out by the Ordnance, &c., except by consent

CXCIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law for the direction or alignment, stopping up or altering of any of the streets, lanes or thoroughfares which have been or hereafter shall or may be made or laid out by the Department of Her Majesty's Ordnance, or to the interfering in any manner with any bridges, wharves, docks, quays or other works constructed by or under the direction of Her Majesty's Ordnance or on the land held by Her Majesty and reserved for military purposes, until the consent in writing of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada, shall be first had and obtained authorizing such intended By-law to extend to Ordnance Property.

Corporations not to run Roads through Ordnance property or interfere with the defences of the Province, &c., except by consent.

CXCIV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law to open any street, road or lane through any lands held by her Majesty or on Her behalf in respect of the Ordnance, or to interfere with, prejudice or weaken the right of Her Majesty in respect of such Ordnance property, or to interfere with the integrity of the public defences as connected with such property, unless the consent of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada shall be first had and obtained, such consent and all other consents required by this Act in regard to Ordnance property to be given in writing under the hands of the Head Quarter Board of Officers of Her Majesty's Ordnance acting in Canada, and that they are such Head Quarter Board of Officers shall be certified under the hand of the Commander of the Forces in Canada for the time being, and every such consent and certificate shall be recited in such By-law.

16 Vic., cap. 181, sec. 33.

As to compensation to parties whose property, any new thoroughfare to be opened is to pass through or to affect injuriously.

[XXXIII. And be it enacted, That the following clause shall be substituted for the repealed one hundred and ninety-fifth section of the Act first above cited, (12 Vic., cap. 81 as amended, 14 and 15 Vic., cap. 10, sec. 36), and shall be read as part of the said Act: "And be it enacted, That upon the passing of any By-law by any Municipal Corporation erected, or to be erected under the authority of this Act, for the purpose of authorising the opening of any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare, so as to cause the same or any part thereof to go through or be placed upon or injuriously to affect the land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property, to

Arbitration and appointment of Arbitrators by the parties.

Third Arbitrator.

Proviso: if any party neglect to appoint an Arbitrator.

Award of majority to be good.

Proviso: Award to be subject to Superior Courts of Law for U. C.

name an Arbitrator and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall, within seven days after such notice, name an Arbitrator on behalf of such Corporation and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, or if within one calendar month after service of a copy of such By-law, certified to be a true copy under the hand of the Clerk of such Corporation on the person or persons owning such property, such person or persons shall omit to name an Arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the Head of such Corporation to name an Arbitrator on his or their behalf, and upon such two Arbitrators being so named as aforesaid, they shall within seven days thereafter appoint a third Arbitrator, and the said three Arbitrators or the majority of them, shall have power to determine upon, and award the amount of damages, if any, to be paid to such person or persons aforesaid, and their award shall be binding on such person or persons, and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid; Provided always, That if any such owner or occupier shall neglect to name an Arbitrator for the space of seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of seven days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of seven days after his appointment, to take upon him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court to nominate any disinterested competent person or persons, from any Township other than the Township in which such Land shall be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him with all convenient speed, after he shall have been so nominated as aforesaid, and any award made by a majority of the said Arbitrators, shall be as binding as if the three had concurred in and made the same; And provided also, secondly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Superior Courts of Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties containing an agreement that such submission should be made a rule of either of such Courts.]

If a lawful and sufficient tender be proven by defendant, all costs subsequent thereto to be borne by plaintiff.

CXCVI. And be it enacted, that if a tender shall be pleaded, and if upon the trial of any such action it shall be proven to the satisfaction of the Jury that a lawful tender shall have been made to the Plaintiff or to the Plaintiff's Attorney of a compensation or sum equal to or greater than the amount of the damages assessed by such jury, the said jury shall find such tender by their verdict, and in case of such finding, the costs of the defendant in such action, incurred after such tender, shall be borne by the plaintiff, and the plaintiff in such case shall receive no costs, for any proceedings subsequent to such tender.

In estimating damages, juries to take into consideration benefit to be derived by plaintiff from widening of Road, &c.

CXCVII. And be it enacted, That as well the arbitrators as the jury, in estimating the damages or compensation in any such submissions or actions, shall take into consideration any benefit or advantage which the plaintiff shall or may derive from the opening, widening or diverting any such road, street, or other public thoroughfare, and deduct the same from the damages or compensation; and in case the said benefit to be derived from the said opening, widening, or diverting such road, street, or public thoroughfare, shall be greater than the damages which shall be found to arise from the taking of such land or other real property, the award or verdict shall be for the defendant.

16 Vic., cap. 181. sec. 35. Councils of Cities, Towns and Villages, to have authority to cause any Common Sewer to be made through any land.

Proviso: mode of settling compensation (by Arbitration) to be paid to the owner of the land.

Award.

Proviso: Award to be subject to Superior Courts of Law.

[XXXV. And be it enacted, That the Municipal Corporation of any incorporated Village, Town or City, shall have full power and authority to cause any Common Sewer or Drain which they may consider necessary for the health, cleanliness or convenience of the inhabitants of such Village, Town or City or of any part thereof, to be opened, made and kept in repair, and for that purpose to take without the consent of the owner, and without such consent to enter upon, trench, and break up, any land or property which they might without such consent take for opening a new street, and to lay upon such land all materials and implements and perform all such work as may be necessary for opening, making or keeping in repair any such Common Sewer or Drain as aforesaid, or any part thereof; Provided always that upon the passing of any By-law by any such Municipal Corporation authorising the opening, making or repairing of any such Common Sewer or Drain, so as to cause the same to go through or be placed upon, or to render it necessary that the said Municipal Corporation should take, enter upon, or use the land or other real property of any person or persons, it shall and may be lawful for the person or persons who own such property to name an Arbitrator and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall within three days after such notice name an Arbitrator on behalf of such Corporation, and give notice thereof to the person or persons owning the said property, and appointing such Arbitrator as aforesaid, and every such notice shall express clearly what powers the said Corporation intend to exercise in respect to the land or real property (describing it) of the person or persons to whom it is addressed; and the two Arbitrators shall within three days thereafter appoint a third Arbitrator, and the said three Arbitrators or a majority of them shall have power to determine upon and award the amount of damages (if any) to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons and on the said Corporation respectively, so as such award be made within one calendar month after the appointment of the third Arbitrator as aforesaid: Provided always, nevertheless, firstly, that every such submission and award shall be subject to the jurisdiction of the Superior Courts of Common Law at Toronto, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by bond between the parties containing an agreement that such submission should be made a Rule of Court;

Proviso: What damages shall be covered by the award.

And provided also, secondly, that such award shall cover only such damages (if any) as must, in the opinion of the Arbitrators making the same, necessarily result to the owner or owners of the land in question, from the exercise by the Corporation of the powers mentioned in the notice given to such owner or owners as aforesaid, and the Arbitrators may, if they think proper, define and describe the nature of the damage which must in their opinion necessarily result from the exercise of such powers, or may reserve the right of such owner or owners for any further damage of any kind to be mentioned in such award, or may in any other way which they may think conducive to justice, define the damages intended to be covered by the award, or those for which (should they occur) the said owner or owners will be entitled to recover further damages;

Any further damages may be recovered.

and if any damage not covered by such award should thereinafter be suffered by the owner or owners of such property, or by the finding of the Jury as hereinafter provided, whether by reason of the exercise by the Corporation of the powers which in such notice as aforesaid they shall have declared their intention to exercise, or of any further power, such owner or owners shall be entitled to recover the amount of such damages from the said Corporation, notwithstanding the payment of the sum awarded by the said Arbitrators, or found by such Jury:

Proviso: action may be brought by owner, in case of failure of appointment of Arbitrator or third Arbitrator, &c.

And provided also, thirdly, that if the Head of such Corporation shall neglect to appoint an Arbitrator for the Corporation within such time as aforesaid, or the said two first mentioned Arbitrators shall be unable to agree upon and appoint a third as aforesaid, or the said three Arbitrators or the majority of them shall be unable to agree, or shall not agree upon an award within the time aforesaid, then and in every such case it shall be lawful for such person or persons so interested as aforesaid, to institute a special action on the case at law against the Municipal Corporation by which such By-law shall have been passed, and such action shall be sustainable whether any entry shall be made under such By-law or not, or whether any use shall be made of such property under such By-law or not, and if no such entry or use other than for the purposes of survey shall be proved at the trial of such action, then the Judge who shall try the same shall certify the want of such proof upon the record,

Corporation may repeal By-law, &c., during a certain time and pay costs only.

and in such case it shall or may be lawful for such Municipal Corporation, at any time after such trial, and until four calendar months after the rendering of judgment upon such verdict, to repeal such By-law, or so much thereof as relates to or affects the property in question, and to withdraw the notice given to the owner or owners thereof, and to tender and pay to the Plaintiff in such action, or to the Plaintiff's Attorney the taxed costs of the said Plaintiff in such action, and from or after such tender or payment, the Municipal Corporation against whom such action shall be brought, shall be discharged from the damage which shall be assessed in such action, and the land or other real property aforesaid shall be and remain as if no such By-law had been passed; and no entry or other use of such land or other real property for the purposes of such first mentioned By-law, shall be lawful after

Jury may determine (like the arbitrators) what damages the sum awarded shall cover.

the assessment of such damages by the Jury, until the amount of the damages assessed and the costs of the Plaintiff in such action shall have been levied by the Sheriff, or paid or discharged or lawfully tendered to the Plaintiff or the Attorney for the Plaintiff in such action ; and the Jury trying any such case may give a special verdict defining the damages which such verdict shall or shall not cover, as hereinbefore provided with respect to the award of Arbitrators, and in such manner as they shall deem most conducive to justice as regards both parties to the action.]

16 Vic., cap. 181, sec. 36. Corporations, tenants in tail, trustees, &c., may convey any property to Municipalities, which could be taken without consent of owner, or may be served with notices, &c., in respect thereof.

If there be no person who can convey the property.

Conveyances, &c., to be valid.

Proviso, interest only to be paid to party conveying in certain cases.

[XXXVI. And be it enacted, That it shall be lawful for all Corporations and persons whatsoever, tenants in tail or for a life or lives, guardians, committees, and trustees, not only for and on behalf of themselves their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femmes couvert*, or other person who shall be seized, possessed of or entitled to or interested in any lands or real property which under the next preceding sections, or any provision or enactment of the Upper Canada Municipal Corporation Acts, or any of them, may be taken by any Municipal Corporation without the consent of the owner thereof, to contract for, sell and convey to such Municipal Corporation such land or real property or any part thereof or to agree with such Corporation for the sum to be paid for the damages arising from the exercise of any power by such Municipal Corporation in respect of such land or real property which could be exercised by such Corporation in respect of the same without the consent of the owner thereof, or to be validly served with any notice from such Municipal Corporation in respect of the taking of such land or other property, or the exercise of any such power as aforesaid in respect of the same under any By-law, and to appoint any Arbitrator who ought to be appointed, or to bring any action which may lawfully be brought, in respect of such land or real property and in consequence of such By-law or notice; and if in any case there be no person who can act as aforesaid in respect of any such land or other real property, then it shall be lawful for the Judge of the County Court for the County in which such land or property is situate, to appoint a person to act in respect of the same, under this section, on the application of the Municipal Corporation; and any contract, agreement, sale, conveyance, assurance or appointment to be made, and any thing done in any such action under the provisions of this section shall be valid and effectual in law to all intents and purposes whatsoever, and any Corporation or person acting under the authority of this section, is hereby indemnified for what he or it shall do in pursuance thereof ; Provided always, that in any such case as aforesaid, when the party conveying such land or other real property, or appointing such Arbitrator, or bringing such action as aforesaid, has not the absolute estate in such land or other real property, the sum agreed upon or awarded to be paid for the same or for any damages thereto, shall not be paid to such party ; but the interest thereof only at 6 per cent per annum, shall be so paid, and the principal shall remain in the hands of the Municipal Corporation, to be paid to the party entitled to the absolute estate in such lands or real property whenever such party shall claim the same and execute a valid acquittance therefor, unless such Municipal Corporation shall in the meantime be directed by the Court of Chancery, or other Court having equitable jurisdiction in such cases, to pay over the same to any party, which direction such Municipal Corporation shall obey; and such Municipal Corporation shall not be bound to see to the application of any interest paid as aforesaid, or of any sum paid under the direction of the Court of Chancery or other Court as aforesaid; Provided always, that all sums of money agreed upon, or awarded under the two next preceding Sections, (sec. 34 and 35, 16th Vic. cap. 181,) or this section, as the price of, or as compensation for damages to any land or other real property, shall stand in the place thereof, and shall, whether in the hands of the Municipal Corporation, or of any party to whom the same shall have been paid, be subject to all such limitations and charges to which such land or other real property was subject, and from which the Municipal Corporation shall be discharged.]

Unless by order of a Court of Equity.

Municipality not bound to see to trust.

Proviso: purchase money to be subject to the same claims as the land.

CXCVIII. And be it enacted, That all By-laws made and passed by any Municipal Corporation under the authority of this Act, shall be authenticated by the Seal of the Corporation, and by the signature of the Head thereof, or of the person presiding at the meeting at which the same shall have been made and passed, and also by that of the Clerk of such Corporation; and any copy of any such By-law, written without erasure or interlineation, sealed with the Seal of the Corporation, and certified to be a true copy by the Clerk, and by any member of such Corporation for the time being, shall be deemed authentic, and shall be received in evidence in any Court of law or equity in this Province, without its being necessary to prove such seal or signatures, unless it shall be specially pleaded or alleged that the same or any of them are forged or counterfeit; and all debts, bonds, obligations and other instruments to be executed on behalf of any Corporation erected or to be erected by or under this Act, shall be valid if sealed with the Seal of the Corporation, and signed by the Head of such Corporation, or by such other person as shall by any By-law to be passed in that behalf, be authorized to sign the same on the behalf of the Corporation.

All By-laws to be authenticated by seal of Corporation, signature, &c.

Effect of certified copies.

Bonds, &c., how to be signed and sealed, &c.

CXCIX. And be it enacted, That the originals or certified copies of all By-laws and regulations made by any Municipal Corporation under the authority of this Act, and of all minutes of the proceedings of any such Corporation shall be kept in the office of their Clerk, and shall be open at all seasonable times and hours to the inspection of the public; and the said Clerk shall be bound to furnish copies thereof at the rate of six pence currency per hundred words, or at such lower rate as the Corporation shall appoint; and all meetings and proceedings of any such Corporation shall be held openly, and so that no person shall be prevented from being present thereat, except only when the public interest shall require the contrary.

Original By-laws to be kept in Clerk's Office and open to the Public, &c.

As to copies.

Meetings, &c., to be public.

13th & 14th Vic., cap. 64, sec. 10.

Lock-up houses may be established by County Councils, subject to certain provisions, and in certain places.

[X. And be it enacted, That it shall be lawful for any of the Municipal Councils of the several Counties and Union of Counties in Upper Canada, to establish a Lock-up-House in any Town, Incorporated Village, or Police Village, within the Jurisdiction of such Municipal Council, and to establish and provide for such salary or fees to be paid to the Constable to be placed in charge of every such Lock-up-House, as they may deem just and reasonable, and to direct the payment of such salary out of the funds of such County or Union of Counties; and that every such Lock-up-House shall be placed in the charge and keeping of a Constable to be specially appointed for that purpose by the Magistrates of such County or Union of Counties, at any General Quarter Sessions of the Peace for the same; and such Constable shall be resident in such Town or Village, and be one of the Constables of such Town or of the Township in which such Village may be situate;

Proviso.

Provided always, nevertheless, firstly, That nothing herein contained shall affect any Lock-up-Houses established under the Laws heretofore in force respecting the same, but every such Lock-up-House shall be and continue a Lock-up-House within the meaning of this section although not in any such Town or Incorporated or Police Village as aforesaid;

Proviso.

4 W. 4, c. 4.

And provided also, secondly, That parties summarily convicted before Magistrates under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, chaptered four, and intituled, *An Act to provide for the summary punishment of petty trespasses and other offences*, may, in the discretion of the committing Magistrate or Magistrates be committed to the nearest Lock-up-House in the County or Union of Counties in which the conviction took place, instead of being committed to the Common Gaol of such County or Union of Counties.]

Corporations of Cities using gaols, &c., of Counties within the limits whereof they are situate, to pay to the Corporations of such Counties for the use of the said Gaols, &c., a fair compensation—to be settled by arbitrators in case of disagreement.

CC. And be it enacted, That so long as any City or Town erected or to be erected under the authority of this Act, shall use or continue to use the Court House, Gaol, and House of Correction of any County within the limits or on the borders whereof such City or Town shall be situate, or any of them, the Municipal Corporation of such City or Town shall pay to the Municipal Corporation of such County, such annual sum of money for the same as shall be mutually agreed upon between them as a fair compensation for the use of such buildings or any of them, and in the event of such Corporations being unable to agree as to the amount of such compensation, then the same shall be settled by the award of three arbitrators, or the majority of them, to be appointed as follows, that is to say: one by the Municipal Corporation of such City or Town, another by the Municipal Corporation of such County, and the third by such two arbitrators thus appointed, or in the event of such two arbitrators omitting to appoint such third arbitrator within ten days next after their own appointment, then by the Governor of this Province in Council, and the amount so settled shall be deemed a debt due by the Municipal Corporation of such City or

Town to the Municipal Corporation of such County, and its payment shall be provided for as is hereby directed with respect to other debts of such Municipal Corporations in general, and in default thereof may be sued for and recovered as any such debts : Provided always, nevertheless, firstly, that in case either of such Corporations shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Corporations, to appoint an arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an arbitrator on the part and behalf of such Corporation so neglecting to appoint such arbitrator, who shall in such case have all the same powers as if he had been appointed by such Corporation : And provided also secondly, that whenever, after the lapse of five years from the making any such award, it shall appear reasonable to the Governor in Council, upon the application of either of such Municipal Corporations, that the amount of such compensation should be reconsidered, it shall and may be lawful for him, by an order in Council, to direct that the then existing arrangement respecting the same, whether it be by agreement of the parties or by award, shall cease after some time to be named in such order, after which the said Corporations shall proceed as at first, for the settlement either by agreement or arbitration, of the amount to be paid from the termination of such previous settlement: Provided also, thirdly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in like manner as if the same were by bond, with an agreement therein that such submission might be made a rule of that Court : And provided always, fourthly, that whenever at the time this Act shall come into force there shall be any subsisting agreement or other settlement, whether by Act of Parliament or otherwise, of the amount to be paid by any such City or Town for such Court House, Gaol or House of Correction, or any of them, the same shall be and continue in force as if it had been settled under the authority of this clause at the time that this Act shall have so come into force as aforesaid.

Proviso: Government to appoint arbitrators in default of Corporations.

Proviso: after five years, Governor may order a new agreement

Awards subject to Court of Q. B.

Proviso: existing agreements to remain in force as if settled under this Act.

CCI. And be it enacted, That the several Villages mentioned and named in the Schedule to this Act annexed marked A, shall respectively have such boundaries as shall or may be established and declared for such Villages respectively, in and by any Proclamation or Proclamations, to be in that behalf issued under the Great Seal of this Province, by order of the Governor thereof in Council, at any time on or before the first day of October next after the passing of this Act, and shall by such boundaries be Incorporated Villages under this Act, and the several Towns mentioned and named in the Schedule to this Act

Villages, Towns, &c., in the different Schedules and the Wards therein, to have the several boundaries therein set forth.

annexed marked B, shall respectively have the boundaries set forth in the said Schedule, and shall be Towns under the provisions of this Act, and the Wards of such Towns shall respectively have the names and boundaries set forth in such Schedule in respect of such Towns; and that the several Cities mentioned and named in the Schedule to this Act annexed marked C, shall respectively have the boundaries, both as respects such Cities and the liberties thereof, set forth in the said last mentioned Schedule, and shall be Cities under the provisions of this Act, and the several Wards of such Cities shall, with the liberties attached to each respectively, have the names and boundaries set forth in the said last mentioned Schedule in respect of such Cities, and all and singular the names and boundaries of all such Villages, Towns, and Cities, and of the Wards of such Towns and Cities, shall continue until the same shall be altered by competent authority in the manner in this Act set forth and provided.

Recital.

CCII. And whereas the places mentioned in the Schedule to this Act annexed marked D, and intituled, "Towns with Municipalities only or without any Municipal organization," from having been the places where the Assizes have been usually held, or from being the seats of the local Courts, or from having been named as Towns in Acts of Parliament, or from other causes, are or are generally reputed to be Towns, and it is inexpedient to deprive them of that distinction, or to subject them to the more extensive organization in and by this Act provided for either Towns or Villages in general, until by the increase of their inhabitants they shall respectively become desirous of and entitled to such extended organization respectively as they would be under this Act, were they only Villages or Hamlets respectively: Be it therefore enacted, That the several Towns mentioned in the said Schedule, with such limits and boundaries as shall be established and declared for such Towns respectively, in and by any Proclamation or Proclamations to be in that behalf issued under the Great Seal of this Province, by order of the Governor thereof in Council, at any time on or before the first day of October next after the passing of this Act, shall be and continue to be Towns as heretofore, but neither the provisions of this Act applicable to Towns only, nor any Act, nor any of the provisions of any Act to be passed this Session, or at any time hereafter referring to Towns generally, shall thereby extend or be construed to extend to any of such Towns; Provided always, nevertheless, that it shall and may be lawful for the Governor of this Province in Council at any time by Proclamation under the Great Seal thereof, to extend the limits of any of the Towns mentioned in the said Schedule D, to divide such Town into Wards, and to extend to such Town all

How this Act shall apply to certain Towns in Schedule D.

All the provisions of this Act may be extended by Proclamation to such Towns.

the provisions of this Act and of all other Acts applicable to Towns in general, whereupon the provisions of this Act and of all such other Acts shall extend to such Town as if such Town with its limits and divisions had been set forth in the Schedule to this Act annexed marked B.

As to Towns mentioned in first division of Schedule D. incorporated.

CCIII. And be it enacted, That the inhabitants of each of the Towns mentioned in the first division of the said Schedule marked D, shall be a Body Corporate apart from the Township or Townships in which such Towns shall be situate, and as such shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of Incorporated Villages, and the powers of the Corporation of such Town shall be exercised by, through, and in the name of the Municipality of such Town, and all the provisions of this Act, and of all other Acts hereafter to be passed applicable to Incorporated Villages, and the Municipalities thereof, shall apply to such Town and the Municipality thereof.

16 Vic. cap. 181, sec. 34.

Each of the Towns in second division of Schedule D, to remain part of the Township in which it lies; but may become incorporated when containing the requisite population, on petition to the Governor, and Proclamation, &c.

[XXXIV. And be it enacted, That the following section shall be substituted for the repealed two hundred and fourth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, that each of the Towns mentioned in the second division of the said Schedule marked D, shall be and continue a part of the Township or Townships within which the same shall be respectively situate, and shall be and continue subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, as if the same was an unincorporated Village or Hamlet; and that when by the census returns it shall appear that any of such last mentioned Towns, and any portion of a Township or Townships which may conveniently be attached to such Town, shall together contain one thousand inhabitants or upwards, it shall and may be lawful for any number of the resident freeholders or householders of such Town not less than one hundred, to petition the Governor of this Province that the inhabitants of such Town may be Incorporated, and upon such petition it shall be lawful for the Governor of the Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, setting forth the boundaries of such Town, and including within such boundaries any such portion or portions of the said adjacent Township or Townships as may conveniently be attached to such Town as aforesaid; and the inhabitants of such Town as embraced within such new and extended boundaries, shall on, from, and after the first day of January next after the end of three calendar months from the *teste* of such Proclamation, be incorporated apart from the Township or Townships in which it is situate, and shall no longer be subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, and as such Corporation shall have perpetual succession and a common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of any

Incorporated Villages, and the powers of the Corporation of such Town shall be exercised by, through, and in the name of the Municipality of such Town; and all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Villages in general, and the Municipalities thereof, shall apply to such Town and the Municipality thereof as if the same were mentioned in the Schedule to this Act marked A."]

Provision with respect to the division into Wards of certain Towns in Schedule D. on certain conditions.

Petition.

Proclamation.

CCV. And be it enacted, That whenever by the census returns it shall appear that any of the Towns mentioned in the said Schedule marked D, which shall have been then already incorporated under the provisions of this Act as aforesaid, and any portions of the Township or Townships which, from the proximity of streets and buildings, may conveniently be attached to such Town, shall together contain five thousand inhabitants or upwards, it shall and may be lawful for the Municipal Corporation of such Town to petition the Governor of this Province that the limits of the said Town may be extended, and that the same may be divided into Wards, and upon such petition it shall be lawful for the Governor of the Province, by an order in Council, to issue a Proclamation under the Great Seal of the Province, extending such limits and dividing such Town into Wards accordingly, and from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Towns in general or to the Town Councils thereof, shall apply to such Town and Town Council thereof, as if the same were mentioned in the Schedule to this Act annexed marked B.

13 & 14 Vic., cap. 64, sec. 9.

In what cases and for what purposes towns and cities shall not form part of the counties in which they lie.

Incorporated villages always to be part of the county.

[IX. And be it enacted, That upon, from and after the day on which any proclamation already issued, or to be hereafter issued, under the authority of the said first mentioned Act or of this Act, for erecting any village, hamlet or place into an incorporated Village, or any incorporated Village into a Town, shall have come into force and taken effect, or shall hereafter come into force or take effect, every such incorporated Village or Town, with the boundaries in such Proclamation prescribed for the same, shall be and be held to have been, and shall continue to be part of the County to which it shall by such Proclamation be declared to belong, as well for the purpose of representation in the Commons House of Legislative Assembly of this Province, as for all other purposes whatever, except only when any such Town shall be entitled to be represented in such Legislative Assembly by a member or members of its own, in every which last case, such Town, with the boundaries in such Proclamation prescribed for it, shall, for the purpose of Representation in such Legislative Assembly, cease to be or form part of such or any other County; and that upon, from and after the day on which any Proclamation already issued or to be hereafter issued, under the authority of the said first-mentioned Act or of this Act, for erecting any Town into a City, shall have come into force and taken effect, or shall hereafter come into force and take effect, such City and the liberties thereof, with the boundaries in such Proclamation prescribed for such City, and the liberties thereof, shall, (if such City, when a Town, shall have been entitled to be represented by a member or members in the said Legislative Assembly,) for all the purposes of Representation in such Legislative Assembly, altogether cease to be or form a part of the County or Counties out of the territory of which it shall have been formed, and shall be, and be deemed to have been, from the time aforesaid, in the relative position to the County on the borders whereof it shall be situate, provided and prescribed by the eighty-fifth Section of the said first mentioned Act, and the other provisions thereof.]

Corporations, &c., of Districts, &c., existing immediately previous to 1st January, 1850, to remain until 4th Monday of that month.

CCVI. And be it enacted, That for and notwithstanding any thing in this Act contained, the Municipal Corporation or other Municipal bodies or authorities of the several Counties, Unions of Counties under the name of Districts, Cities, Towns, Townships, and Villages in Upper Canada, existing immediately previously to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty, and all and singular the members, officers, and servants of the same respectively, shall, upon and from the said first day of January, in the year aforesaid, until the fourth Monday of the same month, continue to have, exercise and perform all and singular the Municipal and other powers, functions and duties which immediately previous to such first day of January shall or may by law have been vested in them respectively, to all intents and purposes, as if this Act had not been passed.

Powers of Members, &c., to continue.

Proclamations incorporating Villages, &c., when to take effect.

CCVII. And be it enacted, That any Proclamation to be issued under the authority of this Act, for the incorporation of any Village, for erecting any Village into a Town, or for erecting any Town into a City, shall have force and effect upon, from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, and not before, except only as regards any thing to be done preparatory to the election to be held in consequence of such Proclamation, with regard to which such Proclamation shall have force and effect from the time of the *teste* thereof.

CCVIII. Repealed 14 and 15 Vic. cap. 109, sec. 33.

Acts, &c., inconsistent with this Act, repealed.

CCIX. And be it enacted, That all Acts and parts of Acts and provisions of law, either of the Parliament of this Province, or of the Parliament of the late Province of Upper Canada, and all Acts, By-laws, Rules and Regulations thereupon passed by any Township Meeting, District Council, Board of Police, Town or City Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, or which make any provisions in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into effect.

Interpretation of word 'Governor,' &c.

CCX. And be it enacted, That the word "Governor" wherever it occurs in this Act, shall be understood to mean and include the Governor, Lieutenant-Governor, or Person Administering the Government of this Province for the time being; the words "Upper Canada," shall be understood to mean and include all that part of this Province which formerly constituted the Province of Upper Canada; and words importing the singular number or the masculine gender only, shall be understood to include more than one person, matter or thing of the same kind as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context repugnant to or inconsistent with such construction; and all other words, terms or phrases shall receive such fair and liberal construction as shall be best adapted to carry out this Act according to its true intent, meaning and spirit.

How this Act shall be construed.

16th Vic., cap. 181, sec. 40.

Interpretation clause.

[XL. And be it enacted, That in this Act the word "Township" shall include any union of Townships forming a single Municipality, and the word "County" shall include any union of Counties forming a single Municipality, except where such interpretation would be inconsistent with the context of the enactment wherein the word occurs.]

Act may be amended, &c., in this Session.

CCXI. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE A.

INCORPORATED VILLAGES, WITH THEIR BOUNDARIES.

1. *Berlin,*—To consist of all that part of this Province situate within the County of Waterloo, and lying within the following limits, that is to say : commencing at the south-easterly angle of lot number one of the German Company Tract of the Township of Waterloo; thence, north-westerly, along the north-easterly limits of lots numbers one, two, three and to the centre of lot number four; thence, south-westerly along the centres of lots numbers four and fifteen, to the south-westerly limit of lot number fifteen ; thence, south-easterly, along the south-westerly limits of half lot number fifteen, and lots numbers sixteen, seventeen and eighteen; to the south-westerly angle of lot number eighteen; thence, north-easterly, along the south-easterly boundary of lots numbers eighteen and one, to the place of beginning. [*Proclaimed* 23*rd September*, 1853.] *Berlin.*

2. *Bowmanville,*—To consist of all that part of this Province situate in the Township of Darlington, in the County of Durham, one of the United Counties of Northumberland and Durham in Upper Canada, and lying within the following limits, that is to say: ' Composed of lots Nos. 8, 9, 10, 11, 12, 13 and 14, in the 1st and 2nd Concessions of the Township of Darlington, with the road allowances comprised within the limits of the Village or forming boundaries thereof, and butted and bounded as follows, that is to say; commencing at the point of intersection of the southerly limit of the allowance for road between the broken front and first concession with the westerly limit of the allowance for road between Lots Nos. 14 and 15; thence, along the westerly limit of the last mentioned allowance for road, northerly, to the northerly limit of the allowance for road between the 2nd and 3d Concessions; thence, along the northerly limit of the allowance for road last mentioned, easterly, to the easterly limit of Lot No. 8, in the 2d Concession produced; thence, along the easterly limits of Lots No. 8, in the 2d and 1st Concessions and prolongations thereof, southerly, to the southerly limit of the allowance for road between the broken front and 1st Concession aforesaid; and thence, along the southerly limit of the road allowance last mentioned, westerly, to the place of beginning.' " [*Proclaimed* 15*th April*, 1852.] *Bowmanville.*

3. *Brampton,*—To consist of all that part of this Province situate *Brampton.*

in the County of Peel, and lying within the following limits, that is to say: 'Commencing at the southerly angle of Lot number four, in the first concession, east of Hurontario Street, in the Township of Chinguacousy: thence, north-easterly, along the limit between lots numbers three and four, to the centre line of the said concession; thence, north-westerly, along the said centre line, to the limit between lots numbers four and five; thence, north-easterly, along the said limit between lots numbers four and five, to the allowance for road between the first and second concessions, east of Hurontario Street; thence north-westerly, along the said allowance for road, to the limit between lots numbers six and seven; thence, south-westerly, along the said limit between lots numbers six and seven, to the centre line of the first concession, east of Hurontario Street; thence, north-westerly, along the said centre line of the first concession, east of Hurontario Street, to the limit between lots numbers eight and nine, thence, south-westerly, along the said limit between lots numbers eight and nine to the centre line of the first concession, west of Hurontario Street; thence, south-easterly, along the said centre line of the first concession, west of Hurontario Street, to the limit between lots numbers six and seven; thence, south-westerly, along the said limit between lots numbers six and seven, to the allowance for road between the first and second concessions, west of Hurontario Street; thence, south-easterly, along the said allowance for road between the first and second concessions west of Hurontario Street, to the limit between lots numbers four and five; thence, north-easterly, along the said limit between lots numbers four and five, to the centre line of the first concession, west of Hurontario Street; thence, south-easterly, along the said centre line of the first concession west of Hurontario Street, to the limit between lots numbers three and four; thence, north-easterly, along the said limit between lots numbers three and four and across Hurontario Street, to the place of beginning.'" [*Proclaimed 17th September*, 1852.]

[illegible]*ledonia.*

4. *Caledonia,*—To consist of all that part of this Province situate partly in the Township of Oneida, and partly in the Township of Seneca, in the County of Haldimand, and lying within the following limits, that is to say: Commencing in the middle of the main channel of the Grand River, at a point in the prolongation of the south-easterly limit of the block of land at dam number four, in the Township of Seneca, granted to the Grand River Navigation Company; thence, north-easterly and north-westerly along the said south-easterly limit and prolongation thereof, and the north-easterly limit of the block of land aforesaid, to the easterly angle of the Town Plot of Caledonia, as surveyed by Provincial Land Surveyor, James Kirkpatrick, in the

year one thousand eight hundred and forty-four, under instructions from the Surveyor General of this Province; thence, north-westerly and south-westerly, along the north-easterly, and north-westerly limits of the Town Plot aforesaid, and along the north-westerly limit of the block of land at dam number five, in the Township of Seneca, granted to the Grand River Navigation Company, and prolongation thereof, to the middle of the main channel of the Grand River; thence, along the same, with the stream, to a point in the prolongation of the south-easterly limit of the block of land at dam number five, in the Township of Oneida, granted to the Grand River Navigation Company; thence, south-westerly and north-westerly, along the last mentioned limit and prolongation thereof, and along the south-westerly limit of the said block of land to the north-westerly limit of the Town Plot of Caledonia aforesaid; thence, south-westerly, south-easterly and easterly, along the north-westerly, south-westerly and southerly limits of the Town Plot, to the north-westerly limit of the block of land at dam number four, in the Township of Oneida, granted to the Grand River Navigation Company; thence, north-easterly, along the last mentioned limit and prolongation thereof, to the middle of the main channel of the Grand River; thence, along the same, with the stream, to the place of beginning." [*Proclaimed 27th May*, 1852.]

5. *Chippawa*,—To consist of all that part of this Province situate within the County of Welland, in Upper Canada, and lying within the following limits, that is to say: "Commencing at the Niagara River, in the Township of Stamford, at a point in a direct easterly line with the stake and ridered rail-fence, immediately north of the Episcopal Church; thence, westerly, to a point ten chains west of Pell's Creek, in the Township of Stamford, always keeping an equal distance from the River Welland with the said rail-fence; thence southerly, crossing the River Welland to the west side of the Sodom Road, in the Township of Willoughby, at the west angle of the said road with Lyon's Creek Road, thence southerly along the said Sodom Road twenty chains; thence, easterly parallel with the River Welland to the Niagara River, always keeping at the distance of twenty chains from the said River Welland; thence along the margin of the said River Niagara, passing the River Welland at its mouth, to the place of beginning." [*Proclaimed 29th September*, 1849.] *Chippawa.*

6. *Elora*,—To consist of all that part of this Province situate within the County of Wellington and lying within the following limits, that is to say: Commencing at the point of intersection of the northerly limit of the allowance for road between the broken front and *Elora.*

first concession on the southerly side of the Grand River in the Township of Nichol, with the easterly limit of the allowance for road between the said Township and the Township of Pilkington, (formerly Woolwich;) thence, along the easterly limit of the allowance for road last mentioned, north-westerly to the southerly angle of lot number eighteen, in the eleventh concession of the said Township of Nichol; thence along the south-easterly boundary line of the said lot and of lot number eighteen, in the twelfth concession, north-easterly, to the intersection of the boundary line between lots numbers four and five in the broken front, on the northerly side of the Grand River, produced north-westerly; thence, south-easterly, along the said boundary line produced, to the northerly margin of the Grand River; thence, along the said margin against the stream, to the intersection of the boundary line between lots numbers four and five in the broken front on the southerly side of the Grand River produced; thence, across the said river and along the boundary line last mentioned, south-easterly, to the northerly limit of the allowance for road between the said broken front and the first concession; thence, along the said northerly limit, south-westerly, to the place of beginning." [*Proclaimed 7th April*, 1852.]

Galt.

7. *Galt*,—To consist of all that part of this Province situate within the County of Waterloo, in Upper Canada, and lying within the following limits, that is to say, " Commencing on the western limit of lot number seven, in the centre of the tenth concession of the Township of Dumfries, in the said County of Waterloo; thence, on the said limit, to the allowance for highway between the tenth and eleventh concessions; thence, along the said allowance, to its junction with the macadamized road leading from Galt to Dundas; thence, on the same course as the side-lines of the concession to the Dundas and Waterloo Turnpike; thence, along the said Turnpike, crossing the allowance for highway between the eleventh and twelfth concessions, to the junction of the said Turnpike with the common road leading from Galt to Preston; thence, parallel to the allowance for highway between the eleventh and twelfth concessions crossing the Grand River, to the side-line between lots numbers eleven and twelve in the eleventh concession produced into the twelfth concession; thence, along the said side-line crossing the allowance for highway between the eleventh and twelfth concessions, and between lots numbers eleven and twelve in the eleventh concession, crossing the allowance for highway between the tenth and eleventh concessions, and between lots numbers eleven and twelve in the tenth concession, to the centre of the said tenth concession; thence, through the centre of the said tenth concession, crossing the Grand River, to the place of beginning." [*Proclaimed 4th September*, 1849.]

8. *Ingersoll,*—Consisting of all that part of this Province, situate partly in the Township of Oxford West, and partly in the Township of Oxford North, in the County of Oxford, and lying within the following limits, that is to say: Commencing on the southerly bank of the River Thames, in the boundary line between lots numbers seventeen and eighteen, in the broken front concession of the Township of West Oxford; thence, along the said boundary line between lots numbers seventeen and eighteen, in the broken front concession, and the boundary line between lots numbers seventeen and eighteen in the first concession south-easterly, to the middle of the depth of the said first concession; thence along the middle of the depth of the said first concession south-westerly, to the boundary line between lots numbers twenty-two and twenty-three; thence along the said boundary line between lots numbers twenty-two and twenty-three north-westerly, to the south-easterly bank of the River Thames; thence along the south-easterly bank of the said river with the stream, to a point in prolongation of the boundary line between lots numbers eight and nine in the fourth concession of the Township of North Oxford; thence along the said boundary line between lots numbers eight and nine, and the prolongation thereof northerly, to the northerly limit of the allowance for road between the third and fourth concessions of the said Township of North Oxford; thence along the northerly limit of the said allowance for road between the third and fourth concessions easterly, to the easterly limit of the allowance for road between lots numbers twelve and thirteen; thence, along the easterly limit of the said allowance for road between lots numbers twelve and thirteen southerly, to the north-westerly bank of the said River Thames; thence along the said north-westerly bank of the said River Thames up the stream, to a point in prolongation of the aforesaid boundary line between lots numbers seventeen and eighteen in the broken front of the Township of West Oxford; thence, across the said river to the place of beginning. [*Proclamation, dated* 12*th September*, 1851.] *Ingersoll.*

9. *Oshawa,*—To consist of all that part of this Province, situate within the County of Ontario, and lying within the following limits, that is to say: "Comprising within the limits or boundaries of lots numbers, seven, eight, nine, ten, eleven and twelve in the first concession, and lots numbers seven, eight, nine, ten, eleven and twelve in the second concession of the Township of Whitby, together with that part of the allowance for road between the first and second concessions aforesaid, which lies between the aforesaid lots, and also the allowances for road between lots numbers eight and nine, and between lots numbers ten and eleven in the aforesaid first and second concession of the Town- *Oshawa.*

ship of Whitby." [*Proclamation issued enlarging boundaries,* 11*th April,* 1854.]

Paris.

10. *Paris,*—To consist of all that part of this Province heretofore situate partly in the County of Waterloo and partly in the County of Wentworth, in Upper Canada, and lying within the following limits, that is to say: "Comprised within the limits or boundaries of the southerly halves of lots numbers twenty-nine and thirty, and the south-easterly-quarter of lot number thirty-one, in the first concession of the Township of Dumfries, in the County of Waterloo ; and all that portion of the Gore of Dumfries, in the said County, lying immediately in front of the above mentioned parts of lots, and extending ten chains eastward of the same, including Dundas Street, in front of the said Gore; also the northerly three-fourths of lot number twelve, and all that part of lots numbers thirteen and fourteen, on the westerly side of the Grand River, in the first concession of the Township of Brantford, in the County of Wentworth."

[*The Proclamation declares the whole of the Village of Paris, according to the foregoing limits, to be annexed to the County of Wentworth.*]—[*Proclamation dated* 4*th September,* 1849.]

Preston.

11. *Preston,*—Consisting of all that part of this Province situate in the Township of Waterloo, in the County of Waterloo, and lying within the following limits, that is to say: Commencing on the easterly bank of the Grand River at the south easterly angle of lot number one in the broken front of Richard Beasley's lower block, in the Township of Waterloo, thence along the easterly boundary line of the said Lot number one, and easterly limit of the public road thereon, northerly to the rear boundary line of the said lot number one : thence along the said rear boundary line of the said lot number one, and the rear boundary line of lots number two, three, four and five in the said broken front westerly, to the boundary line between lots numbers five and six : thence along the said boundary line between lots numbers five and six southerly to the Grand River : thence in prolongation of the said boundary line between lots numbers five and six across the river : thence along the southerly bank thereof with the stream to the boundary line between the townships of Waterloo and Dumfries : thence across the River to the place of beginning. [*Proclamation, dated* 15*th September,* 1849.]

Richmond.

12. *Richmond,*—To consist of all that part of this Province situate in the County of Carleton, in Upper Canada, and lying within the following limits, that is to say: "Comprised within the Village Lots and Ten Acre Park Lots, adjoining the Village, as laid down in the Office

of the Commissioner of Crown Lands, and which is composed of lots numbers twenty-two, twenty-three, twenty-four and twenty-five, in the second, third and fourth concessions of the Township of Goulburn, in the said County of Carleton, and all allowances for road between such lots." [*Proclamation, dated 4th September*, 1849.]

13. *Smiths' Falls*,—To consist of all that part of this Province, situate partly in the Township of North Elmsley, in the County of Lanark, and partly in the Township of Elmsley in the County of Leeds, and lying within the following limits, that is to say: "Commencing at the south-west angle of lot number two, in the fourth concession of the Township of Elmsley; thence north-westerly along the westerly limit of lot number two to the water's edge of the River Rideau; thence on the same course to the centre of the Main Channel of the said River Rideau, and boundary between the Townships of Elmsley and North Elmsley; thence north-westerly to a point where the westerly limit of lot number two in the Township of North Elmsley meets the water's edge of the River Rideau; thence along the westerly limit of said lot number two to the north-west angle thereof; thence westerly across the allowance for road between the fourth and fifth concessions to the northerly limit thereof; thence easterly along the said limit to the south-east angle of lot number one, in the fifth concession of the said Township of North Elmsley; thence easterly across the allowance for road between the Townships of North Elmsley and Montague, to the easterly limit thereof; thence south-easterly along the said limit to the north-west angle of lot number thirty, in the third concession of the said Township of Montague; thence westerly across the allowance for road between the Townships of Elmsley and Montague to the north-east angle of lot number one, in the third concession of North Elmsley; thence westerly along the southerly limit of the road allowance, between the third and fourth concessions of North Elmsley, to the water's edge of the River Rideau; thence on the same course to the centre of the main channel of said river, and boundary between the Townships of Elmsley and North Elmsley; thence westerly to a point where the southerly limit of road allowance between the third and fourth concessions of Elmsley meets the water's edge of the River Rideau; thence westerly along the said limit to the north-west angle of lot number two in the third concession: thence north-westerly across the road allowance, to the place of beginning.—[*Proclaimed*, 21*st September*, 1853.] *Smiths' Falls.*

14. *St. Thomas.*—Consisting of all that part of this Province situate partly in the Township of Yarmouth and partly in the Township of Southwold, in the County of Elgin, and lying within the following *St Thomas.*

limits, that is to say: Commencing on the North side of the Talbot Road East, in the boundary line between lots numbers three and four in the ninth Concession of the Township of Yarmouth, otherwise known as lots numbers forty-eight and forty-nine on the North side of the said Talbot Road East: thence along the said boundary line northerly to the middle of the depth of the said Concession: thence along the middle of the depth of the said Concession westerly to the East Bank of Kettle Creek, thence along the East Bank of the said Creek down the stream to the middle of the allowance for road between the seventh and eighth Concessions of the said Township: thence along the middle of the said allowance for road between the seventh and eighth Concessions easterly to the boundary line between lots numbers two and three in the said eight Concession, otherwise known as lots numbers forty-seven and forty-eight on the south side of the said Talbot Road East prolonged: thence along the said boundary between lots numbers two and three in the eighth Concession and its prolongation northerly to the middle of the depth of the said eighth Concession: thence along the middle of the depth of the said eighth Concession easterly, to the boundary line between lots numbers three and four, otherwise known as lots numbers forty-eighth and forty-nine on the South side of the said Talbot Road East: thence along the said boundary line between lots numbers three and four in the eighth Concession and prolongation thereof northerly to the place of beginning. [*Proclamation, dated* 12*th September*, 1851.]

Stratford. 15. *Stratford*,—To consist of all that part of the Province situate in the County of Perth, and lying within the following limits, that is to say; Commencing at the south east angle of lot number 45 in the second Concession of the Township of south-east Hope; thence northerly, along the easterly limit of said lot, and the easterly limit of lot number 45 in the first Concession, to the north-east angle of the said lot number forty-five in the first Concession; thence northerly, across the allowance for road between the Townships of North Easthope and South Easthope, otherwise known as the Huron road, to the south-east angle of lot number forty-five in the first Concession of the Township of North Easthope, thence northerly along the easterly limit thereof, to the north-east angle of the said lot, thence westerly, along the line between the first and second Concessions of North Easthope to the south-easterly limit of the allowance for road between the Townships of North Easthope and Ellice; thence westerly, across the said allowance for road, to the north-westerly limit thereof; thence, southwesterly, along the said limit, to the north-east angle of lot number one in the first Concession of the Township of

Ellice; thence, westerly, along the line between the first and second Concessions of said Township, to the north-west angle of lot number three in the said first Concession; thence, southerly, along the westerly limit of said lot number three, to the northerly limit of the allowance for road between the Townships of Ellice and Downie; thence, southerly, across the said allowance for road, to the north-west angle of lot number three in the first Concession of said Township of Downie; thence, southerly, along the westerly limit of lots number three in the first and second Concessions of said last mentioned Township to the northerly limit of the allowance for road between the second and third Concessions thereof; thence, southerly, across the said allowance for road, to the southerly limit thereof; thence, easterly, along the said limit to the allowance for road between the Township and Gore of Downie; thence, easterly, across the said allowance for road to the southerly line for the allowance for road between the second and third Concessions of the said Gore of Downie; thence, easterly, along the said limit, to the road allowance between the Gore of Downie and the Township of South Easthope; thence, easterly, across said allowance for road, to the north-west angle of lot number forty-six in the third Concession of the said Township of South Easthope; thence, along the southerly limit of the road allowance between the second and third Concessions, of the said last mentioned Township, to the north-east angle of lot number forty-five in the third Concession thereof; thence, northerly, across the allowance for road, to the place of beginning.—[*Proclaimed*, 23*rd September*, 1853.]

Thorold.

16. *Thorold*,—To consist of all that part of this Province situate within the County of Welland, in Upper Canada, and lying within the following limits, that is to say: "Commencing at the Township Line between Grantham and Thorold, at the north-east angle of lot number eight; thence, south until it intersects the road leading from Queenston to the Beaver Dams, at Mistress Wormers; thence, along the said road westerly crossing the Swing Bridge and Canal, until it intersects Pine Street; thence, north along said Street to the Concession Line at the north end of lot number thirty; thence, west along said concession to the line between lots numbers seventeen and eighteen to Mile Street, passing the Roman Catholic Church; thence, along said Mile Street west to the road leading from St. Catharines to the Beaver Dams; thence, north along said road to the said Town Line between Grantham and Thorold; thence, along said, Town Line to the place of beginning."—*Proclaimed*, 29*th September*, 1849.

Trenton.

17. *Trenton*,—To consist of all that part of this Province

situate partly in the Township of Sidney, in the County of Hastings, and partly in the Township of Murray in the County of Northumberland, one of the United Counties of Northumberland and Durham aforesaid, and lying within the following limits, that is to say: Commencing at the water's edge of the Bay of Quinte at the south-easterly angle of the broken front in front of Block A in the first Concession of the Township of Sidney; thence, northerly, along the easterly limit of the said broken front and Block A, forty-five chains; thence, westerly, parallel to the Concession line in the rear of Block A aforesaid, to the boundary line between the said Townships of Sidney and Murray; thence, northerly, along the said boundary line, to the middle line of the depth of the first concession of the said Township of Murray; thence, westerly, along the same, to the western limit of the allowance for road between lots numbers two and three, in the first Concession of the Township of Murray aforesaid; thence, southerly, along the last mentioned limit, to the line in front of the first Concession; thence, westerly, along the same, to the middle line of lot number three in broken Concession A produced northerly; thence, southerly, along the said line, twenty-five chains; thence, easterly, parallel to the Concession line in rear of the said lot number three, to the westerly limit of the allowance for road between lots numbers two and three; thence, southerly, along the last mentioned limit, to the water's edge of the Bay of Quinte; thence, north-easterly, along the same, to the line in front of the first Concession of the Township of Murray; thence, easterly, along the last mentioned line produced across the mouth of the River Trent, to the water's edge of the Bay of Quinte; thence, easterly, along the water's edge, to the place of beginning."—*Proclamation, dated 25th Sept.*, 1852.

Vienna. 18. *Vienna.*—To consist of all that part of this Province situate in the County of Elgin, and lying within the following limits, that is to say: Commencing at the south-west angle of lot number twelve, in the third Concession of the Township of Bayham; thence, north, along the western limit of the said lot, eighty chains; thence, south-easterly, parallel to the line in front of the said Concession, to the limit between lots numbers sixteen and seventeen; thence, south, along the limit between lots numbers sixteen and seventeen, in the third and second Concessions, one hundred and forty-one chains; thence, north-westerly, parallel to the line in front of the second Concession, to the limit between lots numbers twelve and eleven; thence, north, along the said limit between lots numbers twelve and eleven to the place of beginning."—*Proclamation, dated 9th September*, 1852.

Windsor. 19. *Windsor,*—to consist of all that part of this Province situate in the County of Essex and lying within the following limits, that is to say; commencing at a point on the channel bank of the River Detroit in the limit between lots numbers seventy-four and seventy-five in the first Concession of the Township of Sandwich; thence, along the said limit, south, twenty-eight degrees east, to the allowance for road between the first and second Concessions of said Township; thence, south, twenty-eight degrees east, across the said allowance for road, to the southerly limit thereof; thence, easterly, along the said limit, to the north-west angle of lot number ninety-four in the first Concession of the said Township; thence, north, twenty-eight degrees west, across the allowance for road to the south-west angle of lot number ninety-four in the first Concession of the said Township; thence, northerly, following the south-westerly limit of the said lot number ninety-four in the first Concession, to the channel bank of the said River Detroit; thence, following the said channel bank with the stream, to the place of beginning. *Proclaimed*, 20*th September*, 1853.

Yorkville.

20. *Yorkville.*—"The Village of Yorkville to consist of all that part of this Province situate within the said township and County of York, and lying within the following limits, that is to say: commencing at the south-west angle of lot number twenty-two, in the second concession from the Bay, in the Township of York; thence, along the westerly limit of the said lot, northerly, seventy-two chains, twenty-three links; thence, on a course parallel to the front of the said concession, easterly, to Yonge Street; thence, along the westerly limit of Yonge Street, southerly, to the limit between lots Nos. seventeen and eighteen on the easterly side of Yonge Street produced; thence, across Yonge Street, to the easterly limit thereof; thence, along the limit between lots Nos. seventeen and eighteen aforesaid, easterly, forty-one chains, ten links; thence, southerly, on a course parallel to Yonge Street across lots Nos. eighteen, nineteen, and twenty, on the easterly side of Yonge Street, to the allowance for road between the first and second concessions from the Bay; thence, along the northerly limit of he allowance for road aforesaid, westerly to the place of beginning." —*Proclaimed*, 23*rd April*, 1852.

SCHEDULE B.

TOWNS.

Barrie.

1. *Barrie,*—To consist of all that part of this Province situate in the County of Simcoe, and lying within the following limits, that is to say:

Limits.

Commencing in deep water at the distance of five chains from the shore of Kempenfeldt Bay, at a point on the southerly limit of the allowance for road between the Townships of Vespra and Innisfil produced easterly from the water's edge of Kempenfeldt Bay; thence, westerly, along the prolongation of the said southern limit and the said limit, to the westerly limit of the allowance for road between the fifth and sixth concessions of said Township of Vespra; thence, northerly, along the westerly limit of the said last mentioned allowance for road, to the north-east angle of lot number twenty-two in the said sixth concession; thence, north-easterly, across the allowance for road between the fifth and sixth concessions, and along the northern limits of lots numbers twenty-two in the fifth, fourth and third concessions of the Township of Vespra, to the north-easterly angle of lot number twenty-two in the said third concession; thence, across the allowance for road bounding the said lot last mentioned on the east; thence, south-westerly, along the easterly limit of the said allowance for road which runs between the lots on the west side of the Penetanguishene road and the said lot number twenty-two, to the north-west angle of lot number three on the west side of the Penetanguishene road; thence, easterly, along the northern limit of the said lot number three in the first concession, on the west side of the Penetanguishene road, to the north-east angle of the said lot number three; thence across the said road, to the easterly limit thereof; thence southerly, along the same to Kempenfeldt Bay; thence on a line produced in prolongation of the aforesaid limit of the said road, a distance of five chains; thence, westerly and southerly, and always at the distance of five chains from the shore, to the place of beginning.

Transferred from second division of Schedule D, by Proclamation, dated 23rd September, 1853.

Belleville.

2. *Belleville.*—To consist of all that part of this Province situate within the County of Hastings, and lying within the following limits, that is to say:

Limits.

Commencing at the limits between Lots number six and seven in the first concession of the Township of Thurlow, at low water mark of the Bay of Quinte; thence, northerly, along the side line between lots number six and seven, to the second concession road; thence, westerly, along the said second concession line to the westerly boundary of Lot number, one in the first concession of Thurlow; thence, southerly, on the town line between the Township of Thurlow and Sidney, to the Bay of Quinte; thence, easterly, along the shore of the said Bay to the place of beginning; together with the harbour, islands and marshes in front of the said Town.

The said Town to be divided into four Wards, to be called respectively, "Sampson Ward," "Ketcheson Ward," "Baldwin Ward," and "Coleman Ward," and to comprise the following portions of the said Town respectively, that is to say:

Sampson Ward.

The said "Sampson Ward" to comprise all that part of the said Town which lies to the south of Bridge-street, to the limits between Lots numbers six and seven in the first Concession of the said Township of Thurlow, on the east side of the River Moira.

Ketcheson Ward.

The said "Ketcheson Ward" to comprise all that part of the said Town which lies north of Bridge-street and west of Pinnacle-street, on the east side of the said River Moira.

Baldwin Ward.

The said "Baldwin Ward" to comprise all that part of the said Town which lies north of Bridge-street and on the east side of Pinnacle-street, to the said River Moira, and thence, along the said River, to the limits of the said Town.

Coleman Ward.

And the said "Coleman Ward" to comprise all that part of the said Town which lies on the west side of the said River Moira.

Brantford.

3. *Brantford.*—To consist of all that part of this Province situate within the County of Wentworth and lying within the following limits, that is to say:

Limits.

Commencing on the north side of Colborne Street, in the eastern limit of the said town as originally laid out by the authority of the government of the late Province of Upper Canada; then, north, eighteen degrees thirty minutes east, seventy-nine chains forty-five links, more or less, to the north-east angle of the said town as laid out by the government as aforesaid; then, south, eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links, more or less, to the north-west angle of the said Town as laid out by the government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west eight chains more or less, to south-east angle of a parcel of land belonging to Peter O'Banyon; then, north, sixty-two degrees thirty minutes west sixty chains, more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west, one hundred and eight chains, more or less, along the western limit of the said lands to the Grand River; then, across the Grand River obliquely with the stream in an easterly direction, and passing south of the large Island about thirty chains, to the limit between the farm lands of Thomas Mair, and the north part of the Brant Farm, granted by the Crown to William Johnson Kerr; then, south, twenty-seven degrees twenty-five minutes west, forty-two chains, more or less to the rear of the lots on the south side of Burford street on the plank road; then, south, sixty-eight degrees east thirty-nine chains, more or less, to the east side of the Mount Pleasant road and south side of Walnut Street on the lands of Daniel Mercer Gilkison; then, north, forty-three degrees thirty minutes east, thirty-six chains, more or less, along the south side of Walnut Street to the Grand River; then, easterly, along the south side of the Grand River, with the stream about thirty chains to opposite the mouth of the Cove; then, east, across the Grand River to the south side of the mouth of the said Cove; then, north-easterly, along the easterly side of the said Cove about twenty chains to the southern limit of the lands of the Grand River Navigation Company; then, easterly, along the south boundary of the said Grand River Navigation Company's Lands, about fifty-five chains, to the western limit of the Mohawk Parsonage Glebe; then, north, five degrees thirty minutes west, forty-five chains, more or less, to the place of beginning.

Wards. The said Town to be divided into five Wards to be called respectively, King's Ward, Queen's Ward, Brant Ward, East Ward and North Ward—and to comprise the following portions of the said Town respectively, that is to say:

King's Ward. The said King's Ward to comprise all that part of the said Town which lies between Cedar Street and King Street, and north of the Canal, together with all that part of the said Town lying south of the Grand River.

Queen's Ward. The said Queen's Ward to comprise all that part of the said Town which lies north of the Canal, and between King Street and Market Street to their intersection with West Street.

Brant Ward. The said Brant Ward to comprise all that part of the said Town which lies north of the Grand River, and south of the Canal as far eastward as Alfred Street, and north of the Canal, and between Market and Alfred Streets.

East Ward. The said East Ward to comprise all that part of the said Town which lies east of Alfred Streets.

North Ward. And the said North Ward to comprise all that part of the said Town which lies north of the Grand River (including the two large Islands in the River,) and west of Cedar Street, and West Street from its intersection with Cedar Street.

4. *Brockville.*—To consist of all that part of this Province situate within the County of Leeds, and lying within the following limits, that is to say : Brockville.

Comprising that part of the Township of Elizabethtown known as the front halves of Township lots numbers ten, eleven, twelve and thirteen, and of the West half of Township lot number nine, and of the east half of Township lot number fourteen in the first concession of the said Township, extending the same respectively to the water's edge of the River St. Lawrence, together with such parts of the water of the said River, and of the land under the said water as lies in front of the said lots within three hundred yards of the said water's edge, and also including the small Island in front of the said Town on which a block house is now built, and all Public Roads and Highways running through or by any of the said half lots within the exterior limits thereof. Limits.

The said Town to be divided into three Wards to be called respectively, East Ward, West Ward and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say:

The said Centre Ward to comprise all that part of the said Town known as the front half of the west half of the said Township lot number eleven, and of the front half of the east half of the said Township lot number twelve, in the first concession of Elizabethtown aforesaid, extending the same respectively to the water's edge of the said River Saint Lawrence, together with such parts of the water of the said River and of the land under the said water as lies in front of the said last mentioned half lots and within three hundred yards of the said water's edge, and including the said small Island. Centre Ward.

The said West Ward to comprise all that part of the said Town which lies to the west of the said Centre Ward. West Ward.

And the said East Ward to comprise all that part of the said Town which lies east of the said Centre Ward. East Ward.

5. *Bytown.*—To consist of all that part of this Province situate within the County of Carleton, and lying within the following limits, that is to say : Bytown.

Commencing at the waters of the River Rideau on the line which divides Lots E and F in concessions D and C, and thence in a continuous direct line, across lot number forty, to the side-line dividing lots numbers thirty-nine and forty; thence, following the said line northerly Limits.

in the first concession, to the line dividing concession A and the first concession, and in concession A embracing the whole of the broken lot number thirty-nine to the river Ottawa, including all the islands down to the southerly end of the chain bridge; thence, following the waters of the Ottawa in the centre of the channel to the western branch of the waters of the River Rideau; thence, against the stream up the River Rideau to the place of beginning.

The said Town to be divided into three Wards to be called respectively East Ward, Centre Ward and West Ward, and to comprise the following portions of the said Town respectively, that is to say:

Lower Bytown. Lower Bytown shall comprise that portion of the said Town which lies easterly from the Rideau Canal, and shall constitute two Wards by the names of East Ward and Centre Ward.

East Ward. The said East Ward to comprise all that portion of the said Lower Town which lies east of the centre of Dalhousie Street, so far as the said street is now opened, and thence in a direct line produced from the centre of the said street until it intersects the limits of the Town on the south.

Centre Ward. The said Centre Ward to comprise all that portion of the said Lower Town not included in the East Ward.

West Ward. The said West Ward shall comprise all that portion of the said Town which lies westerly from the Rideau Canal, and which shall constitute Upper Bytown.

Cobourg. 6. *Cobourg*,—To consist of all that part of this Province situate within the County of Northumberland, and lying within the following limits, that is to say:

Limits. Commencing on the shore of Lake Ontario, at the south-east angle of Lot number fourteen in concession B, in the Township of Hamilton; thence, north, sixteen degrees west, to the centre of the first concession of the said township; thence, south, seventy-four degrees west, to the centre of Lot number twenty-one in the said first concession; thence, south, sixteen degrees east, to the distance of half a mile from the point at which the said line intersects the margin of the water on the shore of the said Lake; thence, westerly, through the waters of the said Lake, following the direction of the curvatures, and keeping always at the distance of half a mile from the margin of the water, to a point where a line drawn southerly from the south-east angle of the said Lot number fourteen in concession B, meets the said last mentioned line; thence, northerly, in the direction of the said line so drawn from the said concession of the said last mentioned Lot, to the place of beginning.

The said Town to be divided into three Wards, to be called respectively, "South Ward," "East Ward," and "West Ward."

South Ward. The "South Ward" to comprise all that portion of the said Town which lies south of King Street.

East Ward. The "East Ward" to comprise all that portion of the said Town which lies east of the centre of the street between lots numbers sixteen and seventeen, and north of King street; and

West Ward. The "West Ward" to comprise all that portion of the said Town which lies west of the centre of the street between Lots numbers sixteen and seventeen and north of King-street.

Cornwall. 6. *Cornwall.*—To consist of all that part of this Province situate within the County of Stormont, and lying within the following limits, that is to say:

Limits. Comprising within the limits or boundaries heretofore reserved and set apart by Government as a Town plot, together with the parcel or tract of ungranted land in front thereof, and the harbour.

The said Town to be divided into three Wards, to be called respectively East Ward, West Ward, and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say:

East Ward. The said East Ward to comprise all that part of the said Town which lies between Amelia Street and the Eastern limits of the said Town.

West Ward. The said West Ward to comprise all that part of the said Town which lies between Augustus Street and the Western boundary of the said Town; and

Centre Ward. The said Centre Ward to comprise all that remaining part of the said Town which lies between Amelia Street and Augustus Street, and not included in either of the before mentioned Wards.

Dundas. 7. *Dundas.*—To consist of all that part of this Province situate within the County of Halton, and lying within the following limits that is to say:

Limits. Commencing on the division line between the property of George Rolph, Esquire, and the property of the late Harker Lyons, on the York road; thence, following the said road, westerly, to the road leading up the mountain to John Keagy's, the younger; thence, in a straight line by compass to a monument within a few feet of the site of the old oatmeal hill; thence across the creek or stream to a stone monument placed at a distance of five hundred feet from the west bank thereof; thence, following the said creek or stream at a distance throughout of five hundred feet from the west and south bank thereof, to where a stone monument is placed south of Mr. Ewart's milldam; thence, running in a straight line to a stone monument placed on the boundary line between the property owned by John O. Hatt, Esquire, and the estate of the late Manuel Overfield; thence to a stone monument placed on the boundary line between the property owned by Thomas Hatt and the said John O. Hatt; thence, along the said boundary line to a stone monument placed in South Street; thence, following South Street till it intersects East Street; thence, descending the hill in a northerly direction till it intersects the Governor's road; thence, following the said road, easterly, to a stone monument placed in a line at right angles with the place of beginning; thence, along the said line to the place of beginning.

The said Town to be divided into four Wards, to be called respectively, Mountain Ward, Canal Ward, Foundry Ward, and Valley Ward, and to comprise the following portions of the said Town respectively, that is to say:

Mountain Ward. The said Mountain Ward to comprise all that part of the said Town commencing on the Sydenham road at the northern boundary of the said Town; thence, running along the said Sydenham road until it intersects King Street; thence, along the said King Street in an easterly direction until it intersects Main Street; thence, along the said Main Street until it intersects Baldwin or Flamboro' Street; thence, along the same to the Basin of the Desjardins Canal; thence, along the said Canal until the eastern boundary or limit of the said Town is intersected; thence, following the said eastern boundary to the northern boundary line of the said Town; thence, following the same to the place of beginning.

Canal Ward. The said Canal Ward to comprise all that part of the said Town commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker; thence, running south to the southerly boundary of the said Town; thence, along the said boundary to the eastern boundary until the Desjardins Canal is intersected; thence, along the said Canal in a westerly direction until East Street is intersected (Coote's Paradise); thence, along Baldwin or Flamboro' Street to Main Street; thence, along the said Main Street in a northerly direction till it intersects King Street; thence, along the said King Street to the place of beginning.

Foundry Ward. The said Foundry Ward to comprise all that part of the said Town, commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker; thence, along the said King

Street, west, until it intersects Peel Street; thence, south, until James Street is intersected; thence, westerly, along the said James Street until it intersects the western boundary of the said Town; thence, along the western and southern boundary of the said Town until the boundary between Wards Numbers Two and Three is intersected; thence, northerly, to the place of beginning; and

Valley Ward.

The said Valley Ward to comprise all that part of the said Town, commencing at the northern boundary of the said Town on the Sydenham Road; thence, following the north-western limits of the said Town to a stone monument within a few feet of the site of the old oatmeal mill; thence, across the stream or creek to a stone monument placed at the distance of five hundred feet from the west bank thereof; thence, along the western boundary of the said Town to a stone monument placed on a line at right angles with James Street; thence, along James Street, easterly, until Peel Street is intersected; thence, along Peel Street to King Street; thence, along King Street to Sydenham Road; thence, along Sydenham Road to the place of beginning.

Goderich.

8. *Goderich,*—To consist of all that part of this Province situate within the County of Huron, one of the United Counties, and lying within the following limits, that is to say:

Limits.

Commencing at a point where the centre line of the allowance for road between lots numbers two and three in the Maitland concession in the Town of Goderich intersects the northern limit of the Huron road; thence, westerly, in a straight line, to the north-easterly angle of lot number two in the second concession; thence, due west, along the boundary line between lots numbers two in the second and first concessions and lot number one hundred and eight in the Maitland Concession, and the ten acre accommodation lots to the water's edge of Lake Huron; thence, northerly, along the said water's edge, to the southern limit of Ship Street; thence, north-westerly, along the said southern limit produced, to the middle of the channel connecting the River Maitland with Lake Huron; thence, north easterly, easterly, and south-easterly, along the middle of the said channel, and along the middle of the main channel of the River Maitland to the line in the centre of the allowance for road between lots numbers two and three in the Maitland Concession produced north-easterly; thence, south-westerly, along the said line in the centre of the allowance for road between lots numbers two and three in the Maitland Concession, to the place of beginning. And that the said Town shall be divided into Four Wards, to be called respectively St. George's Ward, St. Patrick's

Ward, St. Andrew's Ward, and St. David's Ward, and to comprise the following portions of the Town respectively, that is to say:

St. George's Ward The said Saint George's Ward to comprise all that part of the said Town which lies within the following limits: commencing at the centre of the market place; thence, northward, along the centre of North Street and prolongation thereof, to the northern boundary of the Town; thence, south-westerly, along the said northern boundary, to the southern limit of Ship Street; thence, northerly, along the water's edge of Lake Huron, to the centre of the said street; thence, south-easterly, along the centre thereof, to the centre of Cobourg Street; thence, north-easterly, along the same to the centre of West Street; thence, eastward along the centre of West Street and prolongation thereof, to the centre of the Market Place and place of beginning.

St. Patrick's Ward The said Saint Patrick's Ward to comprise all that part of the town which lies within the following limits: commencing at the centre of the Market Place; thence, northward, along the centre of North Street and the prolongation thereof to the northern boundary of the Town; thence, easterly, and south-easterly, along the northerly and north-easterly boundaries of the Town, to the south-easterly limit of Britannia Road, produced north-easterly; thence, south-westerly, along the said limit produced to the centre of Maitland Road; thence, north-westerly, along the centre of Maitland Road, to the centre of East Street; thence, westward, along the centre of East Street, to the centre of the Market Place and place of beginning.

St. Andrew's Ward. The said Saint Andrew's Ward to comprise all that part of the said Town which lies within the following limits: commencing at the centre of the Market Place: thence, southward, along the centre of South Street, and prolongation thereof, to the southerly side of Britannia Road; thence, westward, along the southerly side of Britannia Road to the limit between Accommodation Lots numbers six and seven; thence, southward, along the southerly limit, to the southern boundary of the Town; thence, westerly and northerly, along the southerly and westerly boundaries of the town, to the southern boundary of St. George's Ward, to the place of beginning.

St. David's Ward The said Saint David's Ward to comprise all that part of the said Town which lies south of St. Patrick's Ward, and east of St. Andrew's Ward.

London. 9. *London*,—To consist of all that part of this Province situate within the County of Middlesex, and lying within the following limits, that is to say:

Limits. All the lands comprised within the old and new surveys of the said

Town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing the northern boundary line of the new survey, until it intersects the north branch of the River Thames, and producing the eastern boundary line of the same new survey, until it intersects the east branch of the River Thames.

The said Town to be divided into Four Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, and to comprise the following portions of the said Town respectively, that is to say:

The said Saint George's Ward to comprise all that part of the said Town which lies north of the Northern Line and continuation of Hitchcock and Duke Streets. St. George's Ward

The said Saint Patrick's Ward to comprise all that part of the said Town which lies between King Street and Saint George's Ward aforesaid. St. Patrick's Ward

The said Saint Andrew's Ward to comprise all that part of the said Town which lies between Horton Street and Saint Patrick's Ward aforesaid; and St. Andrew's Ward.

The said Saint David's Ward to comprise all that part of the said Town which lies south of Horton Street. St. David's Ward

10. *Niagara*,—To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say: Niagara.

Commencing at Missisagua Point; thence, westerly, along Lake Ontario to Crookston; thence, along the rear or Town line of Niagara to the Black Swamp road; thence, along the eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garret Slingerland, to the north-west angle of the lands of John Eccleston; thence, easterly, to where the lands formerly owned by the Honourable William Dickson and the late Martin McLennon, deceased, come in contact; thence, easterly, along the northern boundary of the lands of the said Martin McLennon, deceased, to the River Niagara; thence, northerly, down the said Niagara River to the place of beginning. Limits.

The said Town to be divided into five Wards, to be called respectively, Saint Lawrence Ward, Saint George's Ward, Saint Patrick's Ward, Saint David's Ward and Saint Andrew's Ward, and to comprise the following portions of the said Town respectively, that is to say:

The said Saint Lawrence Ward to comprise all that part of the said Town which lies south of the centre of the Street called King Street, which runs directly from the River Niagara, and commencing at the St. Lawrence Ward.

house now occupied by Mr. Walter Elliot, or the Lower Ferry, and terminating at the western limit of the Town.

St. George's Ward The said Saint George's Ward to comprise all that part of the said Town which lies north of the centre of the Street forming the northern boundary of Saint Lawrence Ward, and south of the centre of the next parallel Street.

St. David's Ward. The said Saint David's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint George's Ward, and south of the centre of the next parallel Street.

St. Patrick's Ward The said Saint Patrick's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint David's Ward, and south of the centre of the next parallel Street.

St. Andrew's Ward. And the said Saint Andrew's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint Patrick's Ward.

Perth. 11. *Perth*,—To consist of all that part of this Province situate in the County of Lanark, being composed of lots numbers one, two and three, in the first concession, and lots numbers one and two, in the second concession of the Township of Drummond, and lying within the following limits, that is to say:

Limits. Commencing at the south-westerly angle of lot number one in the third concession of the Township of Drummond; thence, north-easterly, along the north-westerly limit of the allowance for road between the second and third concessions of the said Township, to a point opposite the limit between lots numbers two and three in the second concession of the said Township; thence, across the said allowance for road, to the said last mentioned limit, and along the same, to the north-westerly limit of the allowance for road between the first and second concessions of the said Township; thence, north-easterly, along the said last mentioned limit, to a point opposite the boundary line between lots numbers three and four in the first concession of the Township of Drummond; thence, across the said last mentioned allowance for road, to the said last mentioned boundary line, and along the same south-easterly to the south-easterly side of the allowance for road between the Townships of Drummond and North Elmsley; thence, south-westerly, along the said last mentioned limit, to the south-westerly side of the allowance for road between the Townships of Bathurst and Drummond; thence, along the said last mentioned limit, to the north-westerly limit of the allowance for road between the said second and third concessions of the said Township of Drummond; thence, across the said allowance for road between the said Townships of Bathurst and Drummond, to the place of beginning.

[*Proclamation, issued 9th September,* 1853, *transferring to Schedule B, and dividing into Wards ;* to be called respectively, "East Ward," "Centre Ward," and "West Ward."]

East Ward.

The said "East Ward" to comprise all that portion of the said Town, which lies East of D'Wattville Street, and the South branch of the River Tay.

Centre Ward.

The said "Centre Ward" to comprise all that portion of the said Town, which lies West of D'Wattville Street, and the South branch of the River Tay to Foster Street and Peter Street.

West Ward.

And the said "West Ward" to comprise all that part of the said Town, which lies West of Foster Street and Peter Street.

12. *Peterborough*,—To consist of all that part of this Province situate within the County of Peterborough, and lying within the following limits, that is to say: *Peterborough.*

Limits.

Comprising all the lands in the Government Surveys of the present Town of Peterborough, and lying north of Townsend Street, and east of Park Street to the centre of the River Otonabee, as the eastern limit of the said Town, and to the centre of the allowance for road forming the boundary line between the Townships of Monahan and Smith, as the northern boundary of the said Town—

And divided into four Wards, to be called East Ward, North Ward, Centre Ward, and South Ward, and to comprise the following portion of the said Town respectively, that is to say:

East Ward.

The said East Ward to comprise all that part of the said Town which lies east of George Street.

North Ward.

The said North Ward to comprise all that part of the said Town which lies west of George Street and North of Brock Street.

Centre Ward.

The said Centre Ward to comprise all that part of the said Town which lies west of George Street, south of Brock Street and north of Simcoe Street.

South Ward.

And the said South Ward to comprise all that part of the said Town which lies west of George Street, and south of Simcoe Street, including the Government Reserve south of the said Town.

13. *Picton*,—To consist of all that part of this Province situate within the County of Prince Edward, and lying within the following limits, that is to say: *Picton.*

Limits.

Commencing on the south side line of lot letter A, at a distance of fifty chains from the front of the lot; thence, across the said lot, and across lot number one, north sixty-four degrees forty-five minutes east, to a post planted on the limit between lots numbers one and two in the first Concession, north of the Carrying-Place; thence, at a right angle across lots numbers two, three and four in the said Concessions; thence, along the north-east side of Lot number four, to the Bay; thence, directly across the Bay to the line between lots numbers seventeen and eighteen in the first concession east of the Carrying-Place; thence, along the water's edge, to the limit between lots numbers nineteen and twenty in the said Concession; thence, along the limit between the said lots in a south-easterly direction, twelve chains; thence, at right angles across the easterly half of lot number twenty; thence, in a south-easterly direction along the centre of the said lot number twenty, nine chains, more or less, to the east side of John-street; thence, along the east side of John street, thirty chains; thence, north eighty degrees twenty minutes west, fourteen chains, forty links, more or less, to the east side of Church-street; thence, south twelve degrees forty-five minutes east, one chain, sixty-five links; thence, south, forty-nine degrees fifteen minutes west, fifteen chains, fifty links; thence, south, thirty-two degrees west, to north-eastern limit of lot number one in the Concession south-east of the Carrying-Place; thence, north, eighty degrees twenty minutes west, along the north-east side line of the said lot number one to the front of the lot; thence, north, eighty-seven degrees forty-five minutes, west, sixty chains, more or less, to a post on the limit between lots numbers twenty-one and twenty-two in the third Concession, military tract; thence, along the westerly side line of the said lot number twenty-two, twenty-four chains, seventy-four links, more or less, to lot letter A, aforesaid; thence in a direct line, to the place of beginning,—including the Harbour in the above mentioned boundaries.

The said Town to be divided into three Wards, to be called, respectively, Hallowell Ward, Brock Ward and Tecumseth Ward, and to comprise the following portions of the said Town, respectively, that is to say:

Hallowell Ward. The said Hallowell Ward to comprise all that part of the said Town which lies west of Bowery Street.

Brock Ward. The said Brock Ward to comprise all that part of the said Town which lies east of the said Bowery Street and north of the Bay.

Tecumseth Ward And the said Tecumseth Ward to comprise all that part of the said Town which lies on the south side of the Bay.

Port Hope. 14.—*Port Hope*, To consist of all that part of this Province situate within the County of Durham, and lying within the following limits that is to say:

Composed of Lots numbers four, five, six, seven and eight, and the east half of Lot number nine, in the first Concession of the Township of Hope, and the broken fronts of the said Lots and Half Lot, together with all those parts of Lots numbers four and five, in the second Concession of the said Township of Hope, with the road allowance between the said first and second Concessions, and butted and bounded as follows, that is to say:

Limits.

Commencing in rear of the first Concession, at the north-east angle of Lot number four in the first Concession; thence, in a northerly direction, across the said allowance for road, to the south-east corner of Lot number four, in the second Concession; thence, northerly, along the easterly side of the said Lot number four, in the second Concession fifteen chains; thence, westerly, in a course parallel with the front of the said second Concession, twenty-five chains; thence, southerly, in a course parallel with the said east line of Lot number four, in the second Concession aforesaid sixteen chains, more or less to the rear line of the first Concession; thence, easterly, along the rear of the first Concession, to the place of beginning; and also, the water in front thereof to the distance of one quarter of a mile into Lake Ontario.

The said Town to be divided into three Wards, to be called respectively: First Ward, Second Ward, and Third Ward, and which Wards are to comprise the following portions of the said Town respectively, that is to say:

First Ward.

The said First Ward to comprise all that part of the said Town which lies east of the River.

Second Ward.

The said Second Ward to comprise all that part of the said Town which lies west of the River and south of Walton Street, continued westerly by Ridout Street and the front of the Lake Shore Road to the western limit of the said Town.

Third Ward.

And the said Third Ward to comprise all that part of the said Town which lies west of the River and north of Walton Street, continued westerly by Ridout Street and the said front or Lake Shore Road, to the western limit of the said Town.

Prescott.

15. *Prescott*,—To consist of all that part of this Province situate within the County of Grenville, and lying within the following limits, that is to say:

Limits.

Commencing at the south-eastern angle of the Township of Augusta; thence, north, twenty-four degrees west, to the rear of the first Concession of the said Township; thence, south-westerly, along the Concession line to the limit between the east and west half of Lot number five, in the first Concession of Augusta aforesaid; thence, south, twenty-four degrees, east, to the River Saint Lawrence; thence, north-easterly, along the water's edge, to the south-eastern angle of the said Township, to the place of beginning, and shall take in so much of the waters of the River Saint Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the edge in front of the present limits of the said Town of Prescott.

The said Town of Prescott to be divided into three wards, in the following manner, that is to say:

South Ward. All that part of the Town on the south side of the Queen's highway shall compose the South Ward.

East Ward. All that part of the Town on the east side of the Street called Centre Street, leading from the Queen's Highway to the rear line of the said Town, shall compose the East Ward.

West Ward. And all that part of the Town on the west side of the aforesaid Street called Centre Street, shall compose the West Ward.

St. Catharines. 16. *Saint Catharines,*—to consist of all that part of this Province, situate in the County of Lincoln, and lying within the following limits, that is to say:

Limits. Commencing at a stone planted at the south-east angle of lot number Fifteen, in the fifth concession of the Township of Grantham; thence, north, along the westerly side of the road allowance between lots numbers fourteen and fifteen in said concession, twenty-five chains to the centre of the said fifth concession; thence south, sixty-five degrees west parallel to the front of the said fifth concession, and through the centre of lots numbers fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and part of lot number twenty-one, to its intersection with the west bank of the Welland Canal; thence, southerly, along the said west bank of the Welland Canal to the floating tow-path on said Canal; thence, along the west bank of the cut leading to the Mill of Mr. John L. Ramsey, to the easterly side of the road allowance between lots numbers twenty and twenty-one, in the sixth concession of the said Township; thence, south, along the easterly side of the said last mentioned road allowance, to its intersection with the southerly boundary of the Great Western Railroad; thence, along the southern boundary of the said Railroad to its intersection with the allowance for road between the seventh and eighth concessions of the

Township of Grantham, aforesaid; thence, north, sixty-five degrees east to the allowance for road between lots numbers sixteen and seventeen, in the said seventh concession; thence, north, along the said last mentioned road allowance, to a point, fifteen chains south of the northern limits of the said seventh concession, thence, north, sixty-five degrees east, across lots numbers sixteen and fifteen in said seventh concession, to the westerly side of the allowance for road between lots numbers fourteen and fifteen, in the said seventh concession; thence, north, along the said allowance for road to the place of beginning.

The said Town to be devided into three Wards, to be called respectively, Saint Thomas Ward, Saint George's Ward, and Saint Paul's Ward, and to comprise the following portions of the said Town, respectively, that is to say:

St. Thomas Ward

The said Saint Thomas Ward to comprise all that part of the said Town, which lies within the following limits: commencing at the west bank of the Welland Canal at the north-west angle of the limits of the Town; thence, south and easterly, along the before described western and southern limits thereof, to the road allowance between lots numbers sixteen and seventeen at the southern limit of the seventh concession of the Township of Grantham; thence, north, along the said allowance for road, to the centre of the Welland Canal; thence, westerly, along the centre of the said Canal, to a point intersecting a line running from St. Paul Street, between the lands of Elias S. Adams, Esquire, and the late F. L. Converse; thence, westerly, along said line, to the centre of St. Paul Street; thence, southerly, along the centre of said street to the centre of Queen Street; thence, westerly, along the centre of said Queen Street to Lake Street; said street being the road allowance between lots numbers eighteen and nineteen in the sixth concession of the said Township; thence, north, along the centre of Lake Street, or said road allowance, to the northern boundary of said Town; thence, south, sixty-five degrees, west, to the place of beginning.

St. George's Ward.

St. George's Ward to be composed of that part of the Town lying east of St. Thomas' Ward, north of the Canal, and west of Geneva Street; and the road allowance between lots numbers sixteen and seventeen, in the fifth and sixth concessions of said Township.

St. Paul's Ward.

St. Paul's Ward to be composed of all that part of the Town lying east of the allowance for road between lots numbers sixteen and seventeen, in the fifth, sixth and seventh concessions of the said Township, which includes the whole of the said Town not contained in the Ward hereinbefore described.—*Proclamation issued 22nd March,* 1854, *extending boundaries and re-dividing Wards.*

SCHEDULE C.

CITIES.

Hamilton.

1. *Hamilton.*—The City and Liberties thereof to consist of all that part of this Province situate within the County of Wentworth and lying within the following limits, that is to say:

Commencing at the north-east corner of lot number eleven, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers ten and eleven, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the Marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said Marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay, to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City.

The said City to consist of all that part of the tract of land above described, lying within the following limits, that is to say:

Limits.

Commencing at the north-east corner of lot number twelve, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers eleven and twelve, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City.

The said City to be divided into five Wards, to be called respectively, Saint George's Ward, Saint Patrick's Ward, Saint Lawrence Ward, Saint Andrew's Ward and Saint Mary's Ward, and to comprise the following portions of the said City respectively, that is to say:

St. George's Ward.

The said Saint George's Ward to comprise all that part of the said City which lies south of King Street and west of John Street.

St. Patrick's Ward.

The said Saint Patrick's Ward to comprise all that part of the said City which lies south of King Street and east of John Street.

The said Saint Lawrence Ward to comprise all that part of the said City which lies north of King Street and east of John Street. **St. Lawrence Ward.**

The said Saint Andrew's Ward to comprise all that part of the said City which lies north of King Street and between John and MacNab Streets. **St. Andrew's Ward.**

The said Saint Mary's Ward to comprise all that portion of the said City which lies north of King Street and west of MacNab Street. **St. Mary's Ward.**

And so much of the liberties of the said City as are adjacent to the respective Wards shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City be ascertained by the extension of the boundary lines between the said Wards respectively through the said liberties.

"*An Act to vest in the Corporation of the City of Hamilton, the "Gore," of King Street, for public purposes.*"

16th Vic. Cap. 23. Preamble.

[Whereas in the original survey of the City of Hamilton, a vacant space of triangular form, and known as "the Gore" of King Street, was left for the purpose of a Public Square: And whereas the Mayor, Aldermen, and Commonalty of the City of Hamilton, have, by their Petition, prayed that authority may be given them to erect public buildings on the said land, or otherwise enclose, ornament, or dispose of the same as to them in their discretion may seem meet: And whereas it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Hamilton, and their successors, and they are hereby empowered to erect and build upon the said piece of land (which is bounded on the West by James Street, and on the East by Catherine Street,) such public building or buildings as they may think necessary, or to enclose the same for the purposes of a Public Square, and to ornament and improve it for such purposes, or otherwise to use and dispose of the said tract of land as the said Mayor, Aldermen, and Commonalty of the City of Hamilton may in their discretion think most advisable: Provided always, that nothing in this Act contained, shall in any manner affect or prejudice any claim which Robert J. Hamilton, eldest son and heir at law of the late Geo. Hamilton, shall or may have in law or equity to the piece or parcel of Land above described; and in the event of the said Robert J. Hamilton advancing any claim for compensation in consequence of this Act or anything to be done thereunder, the amount thereof shall be fixed and determined by arbitrators to be chosen, one by the said Corporation,

Corporation of Hamilton may enclose the Gore.

Proviso: as to any right of R. J. Hamilton

another by the said Robert J. Hamilton, and a third to be named by them, the said arbitrators, before entering into the said reference, and their award or the award of any two of them shall be final: Provided also, that nothing in this Act contained, shall be construed as an admission of any claim or right in the said Robert J. Hamilton in the said tract of land.]

Further Proviso.

Kingston.

2. *Kingston.*—The City and Liberties thereof to consist of all that part of this Province situate within the County of Frontenac and lying within the following limits, that is to say:

Commencing at the water's edge on Lake Ontario, in the direction of the line between lots numbers twenty and twenty-one in the first concession of the Township of Kingston; thence, in a direct line to the second concession of the said Township of Kingston and, across the road, between the first and second concessions to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the side line of the said lot number twenty-four to a point in line with the limit between lots numbers four and five on the west side of the great river Cataraqui produced from the said river; thence, along the said limit to the water's edge at low water mark; thence, along the said edge of the great river Cataraqui and along the water's edge at low mark of Lake Ontario with the windings and turnings to the place of beginning: together with all the water lying between the front of the City and the opposite shore of the Township of Pittsburg, as far as Point Frederick, and beyond Point Frederick all the water lying in front of the said City and Liberties which may be distant five hundred yards from the Main shores of Wolfe Island, Garden Island and Simcoe Island.

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Limits.

Commencing at a point on a line produced five hundred feet from the shore in the direction of the line between lots numbers twenty-three and twenty-four, in the first concession of the Township of Kingston; thence, north, along the said line, to the front of the second concession of the said Township; thence, on the northerly side of the concession road, to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the westerly side of the road, to a point directly opposite the boundary line dividing lots numbers one and two, on the west side of the great river Cataraqui; thence, along the said division line, to the water's edge of the said great river Cataraqui; thence, in prolongation of the said division line across the said river, to the water's edge on the easterly side thereof, and along the water's edge at low water mark, to the extreme south-westerly point of

Point Frederick, in the Township of Pittsburgh; thence, southerly, parallel to the westerly boundary line of the said City, as hereinbefore set forth, to the distance of five hundred feet from the said south-westerly point of Point Frederick; thence, westerly, in a right line, to the place of beginning.

The said City to be divided into seven Wards, to be called, respectively, Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, Cataraqui Ward, Rideau Ward, and Victoria Ward, and to comprise the following portions of the said City, respectively, that is to say:

Sydenham Ward.

The said Sydenham Ward to comprise all that part of the said City which lies westward and southward of a line drawn from the foot of William Street through the centre of the said Street to the limits of the said City.

Ontario Ward.

The said Ontario Ward to comprise all that part of the said City which lies between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of the said Street to the limits of the said City.

St. Lawrence Ward.

The said Saint Lawrence Ward to comprise all that part of the said City which lies between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said Street to the limits of the said City.

Cataraqui Ward.

The said Cataraqui Ward to comprise all that part of the said City which lies eastward and northward of a line drawn from the foot of Princess Street through the centre of the said Street to Montreal Street; thence, through the centre of Montreal Street, aforesaid, and across the Artillery Reserve, to the present travelled road known as the "Montreal Road;" thence, through the centre of the said road to the limits of the said City.

Frontenac Ward.

The said Frontenac Ward to comprise all that part of the said City which lies northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess Street) through the centre of Princess Street, to the limits of the said City.

Rideau Ward.

The said Rideau Ward to comprise all that part of the said lot number twenty-four, lying on the north side of the continuation of Arthur Street, through the said lot in a direct line to the Concession Road between the first and second concessions of the said Township of Kingston.

Victoria Ward.

And the said Victoria Ward to comprise all that part of the said lot number twenty-four lying on the south side of the said continuation of Arthur Street aforesaid.

And so much of the Liberties of the said City as are adjacent to the respective Wards, shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City, be ascertained by the extension of the boundary lines between the said Wards respectively, and through the said Liberties.

Toronto.

3. *Toronto.*—The City and Liberties thereof to consist of all that part of the Province situate in the County of York, and lying between the following limits, that is to say:

Limits.

Commencing at the distance of one chain, on a course, south, sixteen degrees east from the south-westerly corner of lot number two, in the first concession, from the Bay in the Township of York, in the County of York; thence, southerly, in the direction of the side line between lots numbers two and three, in that concession, to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence, westerly, through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the north-westernmost point of the Island or Peninsula, forming the harbour; thence, across the Bay or harbour of York, to a point where a line, drawn southerly from the north-easterly corner of Park lot number twenty-nine, in the said Township of York, in the direction of the easterly boundary line of the said Park lot, intersects the margin of the water on the shore of Lake Ontario; thence, northerly, in the direction of the said line so drawn from the said corner of the said Park lot through the said corner, to the point at which the said line so drawn through the said corner intersects the northerly boundary line of the allowance for Road between the Park lots and the second concession from the Bay in the said Township of York; thence, easterly, along the said northerly boundary line of the said allowance for Road, to the easterly shore or water's edge of the River Don; thence, southerly, along the water's edge, on the eastern side of the said River, to the point where the said water's edge intersects the southerly boundary line of the allowance for Road, in front of the said first concession; thence, easterly, along the southerly boundary line of the allowance for Road, in front of the said first concession, to the place of beginning.

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Commencing at the distance of one chain, on a course north, seventy-four degrees east, from the south-east angle of Park lot number three, in the said Township of York; thence, south, sixteen degrees east, upon a continuation of the allowance for road between Park lots numbers two and three to the water's edge of the Bay in front of the said City; thence, westerly, along the water's edge of the said Bay to the point at which the westerly limit of the allowance for Road between Park lots numbers eighteen and nineteen, in the said Township of York, being produced southerly, intersects the said water's edge; thence, northerly in the direction of the said westerly limit of the said allowance for Road to the distance of four hundred yards north of the northerly boundary line of Queen Street; thence, easterly, parallel to Queen Street to the easterly boundary line of the allowance for Road between Park lots numbers two and three; thence, south, sixteen degrees east, along the easterly boundary line of the said allowance for Road, four hundred yards more or less, to the place of beginning. And the remainder of the said tract, to constitute the Liberties of the said City.

The said City to be divided into six Wards to be called respectively, the Wards of St. James, St. David, St. Lawrence, St. George, St. Andrew and St. Patrick, and to comprise the following portions of the said City respectively, that is to say:

St. James Ward.

The said Ward of St. James to comprise all that part of the said City, lying between the northerly boundary line of King Street east, the westerly boundary line of Yonge Street, the easterly boundary line of Nelson Street, and the northerly boundary line of Queen Street east.

St. David's Ward

The said Ward of St. David to comprise all that part of the said City lying to the eastward of the westerly boundary line of Nelson Street, and to the north of the northerly boundary line of King Street east.

St. Lawrence Ward.

The said Ward of St. Lawrence to comprise all that part of the said City lying to the southward of the northerly boundary line of King St. east, and to the eastward of the westerly boundary line of Yonge Street.

St. George's Ward.

The said Ward of St. George to comprise all that part of the said City lying to the southward of the northerly boundary line of King Street, and to the westward of the westerly boundary line of Yonge Street.

St. Andrew's Ward.

The said Ward of St. Andrew to comprise all that part of the said City lying between the northerly boundary line of King Street east, and the northerly boundary line of Queen Street east, and west of the westerly boundary line of Yonge Street.

St. Patrick's Ward.

And the said Ward of St. Patrick to comprise all that part of the said City lying to the north of the northerly boundary line of Queen Street west, and west of the westerly boundary line of Yonge Street.

And so much of the Liberties of the said City as lies to the southward and eastward of the St. Lawrence Ward, shall be and is hereby attached to the St. Lawrence Ward; so much thereof as lies to the northward and eastward of the said St. David's Ward, shall be and is hereby attached to the said St. David's Ward; so much thereof as lies to the northward of the said St. James's Ward, shall be and is hereby attached to the said St. James's Ward; so much thereof as lies to the southward and westward of the St. George's Ward, shall be and is hereby attached to the said St. George's Ward; so much thereof as lies to the westward of the St. Andrew's Ward, shall be and is hereby attached to the said St. Andrew's Ward; and so much thereof as lies to the northward and westward of the St. Patrick's Ward, shall be and is hereby attached to the said St. Patrick's Ward; the limits between the respective portions of the said Liberties hereby attached to the different Wards of the said City being ascertained by the extension of the boundary lines between the said Wards respectively, through the said Liberties, except the boundary line between the portions hereby attached to the St. Lawrence Ward, and that hereby attached to the St. David's Ward, which shall consist of the northerly boundary line of King Street east to the River Don.

"An Act to extend the limits of the Town of York; to erect the said Town into a City; and to incorporate it under the name of the City of Toronto."

(Repealed, excepting the following.)

4th Wm. 4, c 23.

No person to vote for the County or any Riding, in respect to property within the City or Liberties.

[XCVI. Provided always, that no person shall have a right to vote for a member to represent the County of York, or any Riding thereof, in respect to any property situate within the limits of the City of Toronto or the Liberties thereof.]

The City of Toronto to be understood wherever the name of York occurs in any Act of Parliament, deed, &c.

Governor may change the name

[XCVII. And be it further enacted by the authority aforesaid, That whenever in any Act of Parliament, proclamation, letters patent, record, writ, or other legal proceeding, deed, will, instrument, or writing of any kind or description, the name of "York" is or shall be used, with intention to apply it to the place commonly called the Town of York, in this Province, or to any part of the Township of York, included by this Act within the said City or the Liberties thereof, the City of Toronto or the Liberties thereof shall, according to the locality, be taken to have been meant and intended, and the name Toronto shall, to all intents and for all purposes, stand in the contemplation of law in the stead and place of York, whenever the name of York is applied to any place within the said City of Toronto or the Liberties thereof, and shall be so understood and applied by all Courts, Judges and Justices, and by all persons concerned in any public act or duty; and that it shall be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to give to any Village, Town, Township or place in this Province, now bearing the name of Toronto, such other name or names as to him may seem fit; and from the time of such name or names being changed, by official notification in the Upper Canada Gazette, all and every the provisions in this clause contained for carrying the change of name into effect, with respect to the City and Liberties of Toronto, shall in like manner to apply to and be in force in respect to such other place or places of which the name may be changed, according to the nature of the case.]

of any place heretofore called Toronto.

Extract from an Act to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth and Bruce, and for other purposes therein mentioned.

16 Vic., Cap. 81.

[III. And whereas the Common Council of the City of Toronto, by their petition, have, for two successive years, prayed that St. Patrick's Ward in the City, may be divided into two Wards: Be it therefore enacted, That it shall and may be lawful for the Governor of this Province, by an order in Council, to issue a Proclamation under the Great Seal of this Province, dividing the said Ward into two Wards, and declaring by what names such Wards shall thenceforth be known and called, and from and after the first day of January next after the teste of such Proclamation, the said Wards so to be named and described in such Proclamation, shall be considered as separate Wards of the said City, in the same manner as if they had been originally mentioned and described as such separate Wards in the Upper Canada Municipal Coporations' Act of one thousand eight hundred and forty-nine, and Elections shall be held in and for the said Wards, on the first Monday in January next after the teste of such Proclamation, in the same manner as for any other Wards in the said City, and the persons whose names shall be entered on the Collector's Roll for St. Patrick's Ward, for the year one thousand eight hundred and fifty-two, residing within each of such Wards respectively, at the time of holding the Elections therefor, and otherwise by law qualified to vote at Municipal Elections, shall be allowed to vote at the Election to be held in such Wards respectively, on the said first Monday in January.

Governor may divide St. Patrick's Ward.

[*The Ward of St. Patrick, with the liberties attached thereto, divided into two Wards, to be called respectively, St. John's Ward and St. Patrick's Ward. Proclamation, dated* 3*rd December*, 1852.]

St. John's Ward, to comprise all that part of the said City, lying between the westerly boundary line of Yonge Street and the middle of the College Avenue, and to the north of the northerly boundary line of Queen Street.

St. John's Ward.

St. Patrick's Ward, to comprise all that part of the said City, lying to the west of the middle of the College Avenue, and to the north of the northerly boundary line of Queen Street.

St. Patrick's Ward.

SCHEDULE D.

TOWNS WITH MUNICIPALITIES ONLY, OR WITHOUT ANY MUNICIPAL ORGANIZATION.

First Division.

Amherstburg.

1. *Amherstburg.*—To consist of all that part of this Province situate partly in the Township of Malden and partly in the Township of Anderdon, in the County of Essex, and lying within the following limits, that is to say:

Limits.

Commencing in front of the River Detroit, at the south-west angle of lot number three on the said river, in the Township of Malden; thence, easterly, along the southerly boundary line of the said lot number three, to the easterly side of the allowance for road in rear of the said lot; thence, northerly, along the easterly side of the said allowance for road, to the boundary line between the said Township of Malden and the said Township of Anderdon; thence, northerly, in the same direction as the said last mentioned course, across the said last mentioned boundary line, to the northerly boundary line of block D in the said Township of Anderdon; thence, westerly, along the said last mentioned boundary line, to the water's edge of the said River Detroit; thence, westerly, in the same direction as the said last mentioned course, five chains; thence, southerly, following the direction of the water's edge in its several windings on the easterly shore of the said River Detroit, keeping always at the distance of five chains from the same, to a point opposite the said place of beginning; thence, easterly, in the direction of the said southerly boundary line of the said lot number three in the said Township of Malden, five chains, to the said place of beginning.

Chatham.

2. *Chatham,*—To consist of all that part of this Province situate within the County of Kent, and lying within the following limits, that is to say:

Limits.

Composed of lot number twenty-four, in the first concession by the eastern boundary in the Township of Raleigh, lots numbers one and two in the first concession by the western boundary of the Township of Harwich, and also of the Village plot of Chatham-north, being the front part of lot number one in the Township of Chatham, and butted and bounded as follows, that is to say:

Commencing upon the River Thames, upon the limits between lots numbers twenty-three and twenty-four in Raleigh aforesaid; thence, south, forty-five degrees east, to the south-easterly side of the road allowance between the first and second concessions of Raleigh; thence, north, forty-five degrees east, following the south-easterly side of said road allowance, across lot number twenty-four in Raleigh and numbers one and two in Harwich, to the limits between lots two and three in the first concession of Harwich ; thence, north, forty-five degrees west, along said limits between lots two and three in Harwich, to the said River Thames; thence, in prolongation of the last mentioned course, across the said river, to the water's edge of the north-westerly bank thereof; thence, along the same westerly, to the limits of lots one and two in first concession of the Township of Chatham; thence, north, forty-five degrees west, to the north westerly side of Head Street in the town plot of Chatham-north; thence, south-westerly, following the north-westerly limits of Head Street, to the south-westerly side of the allowance for road on the town-line between Chatham and Dover east; thence, south, forty-five degrees east, to the water's edge of the River Thames; thence, along the same westerly with the stream, to a point opposite the line between lots numbers twenty-three and twenty-four in the first concession of the said Township of Raleigh; thence, across the river to the place of beginning.

Guelph.

3. *Guelph*,—To consist of all that part of this Province situate in the County of Waterloo, and lying within the following limits, that is to say:

Limits.

Commencing at a point where the south-westerly side of the Edinburgh road in the said County intersects the north-westerly side of the London road produced in the said County; thence, north-east, in a course along the north-westerly side of the said London road, and crossing the river Speed, to the easterly bank thereof; thence, along the said easterly bank, down the stream, and following the course thereof to its junction with the Eramosa branch of the said river; thence, crossing the said Eramosa branch in a direct line, to the south-easterly bank thereof; thence, down the united stream along the south-easterly bank thereof, and following the course thereof, to a point where the said south-easterly bank intersects the south-westerly side of the said Edinburgh road produced; thence, north-west, following the course of the said south-westerly side of the Edinburgh road, to the place of beginning.

Simcoe.

4. *Simcoe*,—To consist of all that part of this Province situate in the County of Norfolk, and lying within the following limits, that is to say:

Limits.

Commencing on the town-line between the Township and Gore of Woodhouse, at the limit between lots numbers twelve and thirteen, in the said Gore of Woodhouse; thence, westerly, on the limit between said Gore lots twelve and thirteen, thirty chains; thence, northerly, parallel to the said town-line, (called Norfolk Street in the Town of Simcoe,) be the distance more or less, to the intersection of the northerly side of Paterson's Creek, or Messrs. Wilson's Mill Pond, as may be; thence, following down the northerly side of said Mill Pond and Creek, to the north-westerly limit of the town-line between the townships of Townsend and Woodhouse; thence, easterly, on the said limit, to the distance of twenty chains from the north-westerly angle of the Township of Woodhouse; thence, southerly, parallel to the said town-line between the Township of Woodhouse and Woodhouse Gore (or Norfolk Street aforesaid,) to the intersection of the said limit between lots numbers twelve and thirteen in the Gore of Woodhouse produced easterly; and thence, along the same, westerly to the place of beginning.

Woodstock,

5. *Woodstock,*—To consist of all that part of this Province situate in the County of Oxford, and lying within the following limits, that is to say:

Limits.

Commencing on the northerly limit of Dundas Street at a point where a post has been planted at the south-west angle of lot number eighteen, in the first concession of the Township of Blandford; thence, in a northerly direction along the westerly boundary of the said lot, to the allowance for road between the first and second concessions of the said Township of Blandford; thence, continuing the same course to the northerly limit of the said road allowance; thence, westerly, along the said northern limit, to the River Thames; thence, in continuation of the last mentioned course, across the said river, to the water's edge on the westerly bank thereof; thence, along the water's edge of the River Thames on the westerly bank thereof, to a point opposite the southerly bank of Cedar Creek; thence, across the said River Thames to the water's edge on the southerly bank of Cedar Creek; thence, along the water's edge of Cedar Creek on the southerly side thereof, to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the Township of east Oxford and the Gore between east and west Oxford; thence, southerly, along the said eastern limit, to the southern limit of the allowance for road between the first and second concessions of the said Township of east Oxford; thence, easterly, along the said southern limit, to a point opposite to the centre of lot number eighteen in the first concession of the said Township; thence, on a line equi-distant from the eastern and western side lines of the said lot number eighteen on a course about north fifteen degrees forty minutes west, to Dundas Street; thence, continuing the same course, to the northern limit of Dundas Street; and thence, westerly, along the northern limit of Dundas Street, to the place of beginning.

Second Division.

L'Orignal.

1. *L' Orignal,*—To consist of all that part of this Province situate in

the County of Prescott, and lying within and bounded by the following limits, that is to say:

Limits. On the east by the westerly line of the Township of West Hawkesbury; on the south by the road leading from the said line past the four corners of the bridge across the Mill Creek on the road to Caledonia Springs; on the west, by a line drawn parallel with the Hawkesbury line to the Ottawa River, and on the north by the said river.

Queenston. 2. *Queenston*,—To consist of all that part of this Province situate in the County of Lincoln, and lying within the following limits, that is to say:

Limits. Commencing at the water's edge of the Niagara river, at a point where the northerly boundary line of lot number six, in the Township of Niagara, produced to the river, would strike the same; thence, in prolongation of the same course, two hundred feet; thence, southerly, following the windings of the water's edge, on the westerly side of the river Niagara, to a point opposite where a line, on a course north sixty-seven degrees thirty minutes east, produced to the said river from the southerly side or limit of that part of the Erie and Ontario Rail-road, which lies immediately north of Brock's Monument, would strike the water's edge; thence, on a course south sixty-seven degrees thirty minutes west, to the water's edge, and, in the same course, to that part of the said Rail-road due north from Brock's Monument; thence, westerly, along the southern limit of the said Rail-road, to where the westerly limit of King Street in the Village of Queenston intersects the same; thence, northerly, along the western limit of King Street, to the limit between lots numbers six and seven in the Township of Niagara; thence, easterly, along the said limit or boundary line, to the north-east angle of the said lot number six; and thence, on a course produced by the boundary line between the said lots numbers six and seven being continued to the Niagara river, to the place of beginning.

Sandwich. 3. *Sandwich*,—To consist of all that part of this Province situate in the County of Essex, and lying within the following limits, that is to say:

Limits. Commencing at the water's edge of the River Detroit, on the limit between lot number fifty-nine in the front concession of the Township of Sandwich, and the Town of Sandwich as originally laid out by the Crown; thence, on a course of south seventy-four degrees east, to the western limit of the allowance for road, which forms the eastern boundary of Sandwich L'Assumption; thence, along said limit on a course north twenty-eight degrees west, to within fifty chains of the water's edge of the River Detroit; thence, on a course north seventy-four degrees east, to the limit between lots numbers sixty-three and sixty-four in the front concession of the Township of Sandwich; thence, along the said limit north twenty-eight degrees west, to the water's edge of the River Detroit; thence, continuing the last mentioned course five chains; thence, on a course corresponding with the general line of the shore, and always at the distance of five chains from the same, with the stream, until the same shall intersect a line produced from the place of beginning, on a course north seventy-four degrees west; thence on a course south seventy-four degrees east, to the place of beginning.

DIVISION OF COUNTIES,

UPPER CANADA.

ACT 12 *VIC.*, *CAP.* 78.

An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require, as amended by Acts 13 *and* 14 *Vic., cap.* 64—14 *and* 15 *Vic., cap.* 109, *and* 16 *Vic., cap.* 181.

Whereas by reason of the subdivision of Districts in that part of this Province called Upper Canada, the boundaries thereof have, in many cases, become identical with the boundaries of Counties, and there being no longer any sufficient reason for continuing such territorial division in that part of the Province, it is expedient to abolish the same, and following in this particular the Mother Country, to retain only the name of County as a territorial division for judicial as well as all other purposes, providing at the same time for temporary Unions of Counties for judicial and other purposes, and the future dissolution of such Unions as the increase of wealth and population may from time to time require: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall come into and be in operation upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty.

Preamble.

Commencement of this Act.

I. ABOLITION OF DISTRICT DIVISIONS.

II. And be it enacted, That the division of that part of this Province called Upper Canada, into Districts for judicial and other purposes, shall be and the same is hereby abolished.

Districts abolished.

III. And be it enacted, That the Courts, Court Houses and Gaols, heretofore called District Courts, Court Houses and Gaols, shall from henceforth be called County Courts, Court Houses and Gaols, and the

District Courts, &c., to become County Courts, &c.

District Grammar Schools, County Grammar Schools, and all and singular the Offices and Officers now appertaining to the said Districts shall henceforth belong and appertain to the said Counties respectively, and whenever the said Offices or Officers have the title or denomination of Offices or Officers, of or for the District, they shall henceforth have the title or denomination of Offices or Officers of or for the County; and all laws at present in force, or during the present Session of Parliament made or to be made applicable to the said division of territory by the name of Districts, or the Courts, Offices or other Institutions thereof, shall be applied to and have the same operation and effect upon the said Counties and their respective Courts, Offices and other Institutions, as Counties.

Laws applicable to Districts to apply to Counties.

Courts of Assize, &c., to be held in and for Counties.

IV. And be it enacted, That the Courts of Assize and Nisi Prius, and Oyer and Terminer, Gaol Delivery, Sessions of the Peace and District Courts, shall be held in and for the said Counties, as such Courts are now held for the different districts in Upper Canada, and that the name County shall be used in designating such Courts, and also in all legal proceedings where the name District is now, or by any Act passed or to be passed during the present Session of Parliament, shall be used.

II. UNIONS OF COUNTIES FOR JUDICIAL AND OTHER PURPOSES.

Certain Counties to be united for purposes other than Representation and Registration of Titles, to have Courts, &c., in common.

V. And be it enacted, That the Counties mentioned in the Schedule to this Act annexed, marked A, shall, for all judicial and municipal purposes, and for all other purposes whatsoever, except for the purpose of Representation in the Provincial Parliament, and that of the Registration of Titles, be formed into Unions as in the said Schedule particularly set forth, and each of such Unions under the name of the United Counties of and (*naming them*) shall for all such purposes (except as before excepted) have all Courts, Offices and Institutions established by law and now pertaining to Districts, or which by any Act passed or to be passed during the present or any future Session of Parliament, shall or may be established for Counties in common between them, so long as such Counties shall remain so united as herein provided.

As to property of United Counties.

VI. And be it enacted, That the County property of all such United Counties shall, so long as such Counties remain united, be the common property of such United Counties, in whichever of such Counties the same may be situated.

Mode of describing any United County in laying a Venue.

VII. And be it enacted, That in laying the Venue in any judicial proceeding in which the same may be necessary in any County which may be so united to any other County, or Counties as hereinbefore provided, the same shall be laid in such County by name describing it, as one of the United Counties of   and   (*naming them*), and for the trial of any issue, or for the assessment of damages, in the course of any such judicial proceeding, when such issue shall be tried or such damages assessed by Jury, the Jury shall be summoned from the body of the United Counties, as if the same were one County.

Laws relative to Districts to apply to Unions of Counties.

VIII. And be it enacted, That during the continuance of any such Unions of Counties, all Laws now existing and applicable to Districts, and all Laws hereafter to be made, whether during the present or any future Session of Parliament, and applicable to Counties generally in relation to any matter whatsoever, except only Representation in the Provincial Parliament, and Registration of Titles, shall, to all intents and purposes whatsoever, apply to every such Union of Counties, as if such Union formed but one County.

III. DISSOLUTION OF UNIONS OF COUNTIES.

Which shall be called the Senior County.

IX. And be it enacted, That in all the Unions of Counties provided for by the fifth Section of this Act, the County within the limits of which the Court House and Gaol, heretofore the District Court House and Gaol shall be situated, shall be deemed the Senior County of such Union, and the other County or Counties, the Junior County or Counties thereof.

Townreeves of a Junior County may be made the Provisional Council of the County, provided certain conditions be complied with.

X. And be it enacted, That so soon as by the census taken according to any Act of Parliament now in force, or hereafter to be in force, for taking a census of the inhabitants of this Province, or of that part of it called Upper Canada, it shall appear that any Junior County of any such Union of Counties, as is provided for by the said fifth Section of this Act, contains a population of not less than fifteen thousand souls, it shall and may be lawful for the Governor of this Province, by an Order in Council upon the Petition of two-thirds or more of the Townreeves for the time being of such Junior County, if he shall deem the circumstances of such Junior County such as to call for a separate establishment of Courts, and other County Institutions, to issue a Proclamation under the Great Seal of this Province setting forth the same, naming a place within such Junior County for a County Town, and erecting the Townreeves for such Junior County, then elected or thereafter to be elected for the same, into a Provisional Municipal Council for such Junior County, and declaring such Municipal Council a Provisional Municipal Council, under the authority of this Act, until the dissolution of such Union of Counties as provided for by this Act:

Proviso: Petition must be adopted by two thirds of the Townreeves after being adopted at two yearly meetings.

Of whom the Provisional Council shall consist.

Provided always, nevertheless, firstly, that no such petition shall be presented or acted upon, unless adopted and signed by such two-thirds, in the month of February after their election or appointment, nor until a resolution declaratory of the expediency of presenting such petition shall have been adopted by a majority of such Townreeves for the time being, present at two several meetings to be called for that purpose, by a majority of such Townreeves for the time being, the one to be held some time in the month of February, in the year next but one preceding that in which such petition shall have been so adopted and signed, and the other in the month of February in the year next preceding such last mentioned year: Provided also, secondly, that every such Provisional Municipal Council shall, from time to time, and at all times during its continuance as such, consist of the Townreeves for the several Townships, Villages and Towns in such Junior County.

14 & 15 Vic., cap. 64, sec. 16. Time and place of first meeting of provisional municipal council to be appointed by proclamation.

How, if the P. M. C. be erected by Act of Parliament

Proviso.

Proviso.

Proviso.

[XVI. And be it enacted, That in every Proclamation erecting the Townreeves and Deputy Townreeves of any Junior County into a Provisional Municipal Council for such Junior County, a time and place may be appointed for holding the first Meeting of such Provisional Municipal Council, and some one of such Townreeves or Deputy Townreeves appointed to preside at such Meeting, and in case any such Proclamation shall not contain any such appointment of time or place or of a person to preside at such first Meeting, and in all cases of the erection of such Provisional Municipal Council by Act of Parliament, such time and place and such presiding Officer as aforesaid shall and may be appointed by the High Sheriff of the United Counties, of which such Junior County shall be one, by a warrant under his hand and seal directed to such Townreeves and Deputy Townreeves by their name of office, and published in the Official Gazette of this Province: Provided always, nevertheless, Firstly, that such presiding Officer shall preside in such Provisional Municipal Council only until a Provisional Warden shall be elected by such Provisional Municipal Council: And provided also, [secondly,—That in all cases of an equal division of votes in the election or appointment of a Provisional Warden, a second or casting vote shall belong to such member of such Provisional Municipal Council as would be entitled to the same were it an election for a Warden. And provided also, thirdly, That in all other cases] of an equal division of votes on any question pending in any such Provisional Municipal Council, the Provisional Warden of such County, or the Presiding Officer of such Provisional Municipal Council for the time being, shall have a second or casting vote on such question.]

Provisional Council may purchase property for Court Houses and Gaols, and raise money for that purpose.

XI. And be it enacted, That every Provisional Municipal Council erected by Proclamation as aforesaid, shall have all the powers in, over, and with respect to such Junior County as are now by Law vested, or as hereafter may by Law be vested in the different Municipal Councils in Upper Canada, so far as the same shall or may be requisite, for the purchase or procuring of the necessary property on which to erect a

Court House and Gaol,—for the erection of such Court House and Gaol,—and for raising, levying and collecting the necessary moneys to defray the expenses of the same, and for remunerating the Provisional Officers employed or to be employed in or about the same; Provided always, that nothing herein contained shall extend or be construed to extend in any way to interfere with the powers of the Municipal Council of such Union, but all moneys to be raised by such Provisional Municipal Council as aforesaid, shall be independent of, and in addition to, any moneys that may be directed to be raised by the Municipal Council of such Union, under the powers in them vested or to be vested by Law.

Proviso as to powers of the Council of the Union.

Provisional Officers may be appointed for such purpose.

XII. And be it enacted, That every such Provisional Municipal Council shall have power in their discretion to appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for such County as they may deem necessary for the purchase or procuring of such property,—the erection of such Court House and Gaol,—the safe keeping of such moneys,—and the protection and preservation of such property when thus acquired; which Provisional Warden, Treasurer and other Provisional Officers shall hold their offices during the pleasure of such Provisional Municipal Council.

Provisional Council to be a Corporation.

XIII. And be it enacted, That every such Provisional Municipal Council shall be a Body Corporate by the name of the Provisional Municipal Council of the County of   (*naming it*,) and as such, shall have all corporate powers necessary for the purpose of carrying into effect the object of their erection into such Provisional Municipal Council as herein provided, and none other.

13 & 14 Vic., cap. 64, sec. 11.

Provisional municipal councils may borrow money, and contract debts for certain purposes.

[XI. And be it enacted, That the Provisional Municipal Councils in Upper Canada shall have, and shall be deemed to have had at all times since provision was made for their establishment, the like power and authority to make By-laws for borrowing all necessary sums of money for the purchase of the necessary County property and the erecting of the necessary County Buildings, and other County works within their jurisdiction and the scope of their authority, and for incurring any debt in respect of the same as is or shall by law be vested in Municipal Councils generally, in that section of the Province; subject always, nevertheless, to the restrictions, limitations and other provisions for securing the payment of loans made to such Municipal Councils, within a limited time, and otherwise securing and insuring the recovery and payment thereof, as are or may by law be imposed upon such Municipal Councils, and upon the By-laws to be passed by them for that purpose.]

13 & 14 Vic., cap. 64, sec. 14.

[XIV. And be it enacted, That no By-law passed or to be passed by any Provisional Municipal Council, in accordance with the requirements

Certain by-laws not to be repealed

Proviso as to effect of assessment repealing Act of this session.

of the one hundred and seventy-seventh Section of the said first mentioned Act, (12th Vic. cap. 81,) for imposing a special rate to be levied in each year, for the payment of any debt created by loan or otherwise, shall be repealed by the Municipal Council, which shall thereafter be substituted for such Provisional Municipal Council until the debt so created and the interest thereon shall be fully paid and discharged: Provided always, nevertheless, that no such By-law as aforesaid, whether passed by any Municipal Council, or by any Provisional Municipal Council, shall be held to be repealed by the Act passed in the present Session of the Provincial Parliament, and intituled, *An Act to repeal the Acts and provisions of Law relative to Assessments and matters connected therewith in Upper Canada*, but notwithstanding any thing in the said last mentioned Act contained, every such By-law shall remain in force until the debt to which it relates, and the interest thereon, shall be fully paid and discharged.]

How moneys directed to be raised shall be levied, &c.

Proviso: per centage to Collector.

Proviso: Collectors liable as for moneys of the Union.

Moneys to be accounted for to Junior County.

XIV. And be it enacted, That all moneys directed to be assessed, levied and collected upon such Junior County by any By-law of such Provisional Municipal Council, shall be assessed, levied and collected by the same persons and in the same manner as the moneys directed to be assessed, levied and collected by the Municipal Council of the Union to which such County shall belong, and shall be paid over by the Collector thereof to the Provisional Treasurer of such Junior County in the like manner as other moneys are payable over to the Treasurer of such Union: Provided always, firstly, that every Collector of such moneys shall be entitled to deduct and apply to his own use, for the trouble and responsibility of such collection, a sum equal to two and a half per centum upon the moneys paid over by him to such Provisional Treasurer as aforesaid, and no more: Provided also, secondly, that the money so collected shall in law and equity be deemed and taken to be moneys collected for such Union, so far as to charge every such Collector with the same, and to render him and his sureties responsible to such Union for such moneys: And provided also, thirdly, that all such moneys recovered or received by any such Union from any such Collector or his sureties, shall, after deducting the expenses of collection, be accounted for to such Junior County, and paid over to the Provisional or other Treasurer thereof, so soon as the same shall be received.

Junior County and Union to make agreement as to debt.

XV. And be it enacted, That so soon as any such Provisional Municipal Council for any such Junior County as aforesaid, shall have purchased or procured the necessary property, at the County Town of such County, and erected thereon suitable buildings for the purposes of a Court House and Gaol, adapted to the wants of such County, and in conformity with any statutory, or other rules or regulations in force respecting such buildings generally in Upper Canada, it shall and may be lawful for such Provisional Municipal Council to enter into an agreement with the Municipal Council of the Union to which such Junior County shall belong, for the adjustment and settlement of the proportion, if any, of any debt due by such Union, and which it may be just that such Junior County, on its being disunited from such Union, should take upon itself, with the time or times of payment thereof; and every such agreement, so entered into, shall, both in law and equity, be and continue to be binding upon such Junior County, and upon the County or Counties from which it shall be disunited: Provided always, firstly, that none of the Members of the Municipal Council of such Union, who shall also be Members of the Provisional Municipal Council of such Junior County, shall take any part or give any vote in the Municipal Council of such Union, on any question or matter touching or concerning such agreement or any proposal connected with the same: Provided also, secondly, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt, to be assumed by such Junior County shall be settled by the award of three Arbitrators, or the majority of them, to be appointed so soon as such property shall have been purchased or procured, and such Court House and Gaol erected, as follows, that is to say, one by the Municipal Council of such Senior County or Union of Counties, and the other by the Provisional Municipal Council of such Junior County, and the third by such two Arbitrators thus appointed: or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days next after their own appointment, then by the Governor of this Province in Council: Provided also, thirdly, that in case either such Municipal Council or such Provisional Municipal Council, shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an Arbitrator on the part and behalf of such Municipal Council, or Provisional Municipal Council so neglecting or omitting to appoint such Arbitrator, who shall, in such case, have all the same powers as if he had been appointed by such Municipal Council, or Provisional Municipal Council, as the case may be: And provided also, fourthly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in like manner as if the same were by bond with an agreement therein, that such submission might be made a Rule of that Court: And provided also, fifthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such Junior County to the County or Counties from which it shall have been disunited, and shall bear legal interest from the day on which the Union

Who may vote as to such agreement.

Arbitration for default of agreement.

Third Arbitrator how appointed.

Proviso: Governor in Council to appoint an Arbitrator in default of either Council.

Award to be subject to jurisdiction of Queen's Bench.

Settled portion as due by Junior County to bear interest and be provided for as other debts.

shall be actually dissolved, as hereinafter provided: and its payment shall be provided for by the Municipal Council of such Junior County, after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.

14 & 15 Vic., cap. 109, sec. 18.
Liabilities and duties of the Senior County in case of dissolution of union of Counties.

[XVIII. And be it enacted, That notwithstanding the dissolution of any Union of Counties, the Senior County or Counties from which the Junior County of such Union shall have been separated, shall after such separation continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United Counties before the dissolution of such Union. for any such debt or loan or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Senior County or Counties after the dissolution of such Union, and the Municipal Corporation of such Senior County or Counties shall issue their Bills, Bonds, Debentures or other Obligations for any part of such debt or loan for which the Bills, Bonds, Debentures or other Obligations of such Union shall not have been issued previous to the dissolution of such Union, all which last mentioned Bills, Bonds, Debentures or other Obligations shall contain a recital or statement setting forth the liability of the Municipal Corporation of such Junior County for the payment and satisfaction of the moneys secured thereby under this Act, and such Senior County or Counties shall also continue subject to all the other liabilities of such Union of what nature or kind soever which existed at the time of the dissolution of such Union, as if such last mentioned liabilities had been incurred by such Senior County or Counties after the dissolution of such Union; Provided always, nevertheless, that nothing herein contained shall be construed to prevent or interfere with the liability of such Junior County, to such Senior County or Counties upon any agreement or award made with respect to any part of such debts, loans or liabilities under the fifteenth section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future Dissolutions of such Unions as the increase of wealth and population may require.*]

Proviso as to liability of the Junior to the Senior County in a certain case under the 15th sec. of 12 Vic., c. 78.

14 & 15 Vic.; cap. 100, sec. 19.
Liability of the Junior County after dissolution of Union of Counties.

[XIX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, every Junior County, after its separation, shall continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations' Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United

Counties before the dissolution of such Union, or by the Senior County or Counties of such Union, after the dissolution of such Union, for any such debt or loan, or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Junior County after the dissolution of such Union: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or interfere with the liability of such Senior County or Counties, to such Junior County, upon any agreement or award made with respect to any part of such debts or loans, under the fifteenth section of the said Act, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, and the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties, all such moneys as such Junior County shall be obliged to pay upon any such Bills, Bonds, Debentures or other Obligations, as for so much money paid by such Junior County for the use of such Senior County or Counties, except only such parts thereof as under and by virtue of any such agreement or award as is provided for, in and by the said fifteenth section of the said last mentioned Act, such Junior County shall be bound to pay as its proportion or part of its proportion of such debts or loans.]

Proviso as to liability of the Senior to the Junior County in a certain case under the said 15th section of the above Act.

What may be recovered by Corporation of the Junior County.

Exception.

[XX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, all original special rates imposed by any By-law of the Municipal Corporation of such Union, for the payment or satisfaction of any debt or loan created or contracted as provided by the one hundred and seventy-seventh section of the said Municipal Corporation Act of one thousand eight hundred and forty-nine, and by this Act, shall continue to be levied in the Junior County which shall be so separated as if such separation had not taken place, and the amount thereof shall be paid over by the Treasurer of such Junior County to the Treasurer of such Senior County or Counties from time to time as the same shall be received, and shall be applied by such last mentioned Treasurer to the same purpose, and in the same manner as the moneys raised under the same By-law in such Senior County or Counties shall be applied, according to law: Provided always, nevertheless, Firstly, that in every such case it shall and may be lawful for such Senior County or Counties to make an Anticipatory Appropriation for any year, as hereinbefore provided by the eleventh section of this Act, equal to that part of such original special rate which, by the estimate upon which such original special rate was settled, was to be derived from such Junior County for such year, and thereupon by By-law to be passed as provided with respect to such other Anticipatory Appropriations by the twelfth section of this Act, to direct the said original special rate for the payment or satisfaction of such debt or loan and and the interest thereof, not to be levied upon such Junior County for such subsequent year; and upon such last mentioned By-law being approved by the Governor of this Province in Council, as by this Act

14 & 15 Vic., cap. 109, sec. 20.

All original special rates for payment of debt, &c., shall continue to be levied in the Junior County, notwithstanding dissolution of union; amount thereof by and to whom paid, and how applied.

Proviso: Senior County may make Anticipatory Appropriation as under the 11th sect. of this Act, and in what proportion to the Junior County; and may direct by By-law as provided in the 12th section of same act.

Rate not to be levied, &c., upon such By-law being approved by Governor.

Proviso: Corporation of Junior County entitled to recover from that of the Senior County an amount equal to that paid over to Treasurer of Senior County; same how to be applied.

Exception as to the Junior County's liability to pay its proportion of debt or loan under stated provisions.

provided with respect to such similar By-laws, such original special rate shall not, nor shall any part thereof, be raised, levied or collected in such Junior County or any part thereof, under such original By-law or otherwise, in or for such particular subsequent year, any thing in the said Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, "The Upper Canada Municipal Corporations Law amendment Act, of one thousand eight hundred and fifty," or in this Act, to the contrary notwithstanding: And provided also, Secondly, that the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties an amount equal to that of all such moneys so paid over by its Treasurer to the Treasurer of such Senior County or Counties, to be applied as last aforesaid as for so much money paid by such Junior County for the use of such Senior County, except only so much thereof, as under and by virtue of any such agreement or award as is provided for in and by the said fifteenth Section of the said Act, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*, such Junior County shall be bound to pay as its proportion, or part of its proportion of the debts or loans of such Union.]

Assessments for the year of separation to belong to the Union.

XVI. And be it enacted, That all assessments imposed by the Municipal Council of any such Union, for the Calendar year in which any Proclamation for disuniting any Junior County from such Union shall issue, as hereinbefore mentioned, shall belong to such Union, and shall be collected, accounted for, and paid over accordingly.

Appointment of Sheriff, Judges, Justices, &c., in the Junior County after separation.

XVII. And be it enacted, That so soon as may be after such Provisional Municipal Council shall make it appear, to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured, and such Court House and Gaol erected, and the proportion of the said debt (if any) to be assumed by such Junior County shall have been adjusted or settled as aforesaid, a Judge, a Surrogate, a Sheriff, at least one Coroner, a Clerk of the Peace, and, at least, twelve Justices of the Peace, shall be appointed for such Junior County, with a proviso in the Commission appointing them respectively, that such Commissions respectively, shall not take effect or be in force until the day on which such Counties shall be disunited, as hereinbefore provided:

Proviso as to the security to be given by the Sheriff under Act of U. C. 3 W. 4, c. 8.

Provided always, nevertheless, that the sureties to be given by such Sheriff, as required by the Act of the Parliament of the late Province of Upper-Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, numbered chapter eight, and intituled, *An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office*, and the affidavit of his qualification in respect of property required by the same

Act, shall not be required to be entered into, made, or given, by any such Sheriff so appointed, within the time specified in that Act, but shall be entered into, and made and given within the first six calendar months next after the Commission of such Sheriff shall take effect as aforesaid, and in default of the same being duly entered into, made and given, within such six months, such Sheriff shall, *ipso facto*, forfeit his office.

On 1st January next after the end of two months from the date of a Proclamation to be issued in that behalf, the Union shall be dissolved, &c.

XVIII. And be it enacted, That so soon as such appointments shall be so made as aforesaid, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal thereof, to declare such Junior County disunited from such Union, upon, from, and after the first day of January, which shall occur next after three calendar months after the *teste* of such Proclamation, and such Junior County shall, upon, from and after such first day of January, to be so named in the said Proclamation, as aforesaid, be, to all intents and purposes whatsoever, disunited from such Union, and if such Union shall have consisted of only two Counties, such Union shall, upon, from and after such first day of January, be absolutely dissolved; and if of more than two Counties, the remaining Counties shall remain united, and thereupon the said Provisional Municipal Council of such Junior County shall, upon, from and after such day, lapse and be absolutely dissolved, and none of the Courts or Officers of the Senior County, or of the Union, shall, as such, have any jurisdiction or authority whatsoever in or over the said County so disunited from such Union, as aforesaid; any thing in their respective Commissions, or in any Act of Parliament, either of this Province or the late Province of Upper-Canada, to the contrary notwithstanding.

As to remaining Counties if the Union was of more than two.

13 & 14 Vic., Cap. 64, sec 12. Municipal council substituted for provisional M.C. after dissolution of union: officers continued until next election.

[XII. And be it enacted, That upon, from and after the day on which the union between any two or more Counties in Upper Canada, theretofore forming a Union of Counties, shall be dissolved, the Townreeves, and Deputy Townreeves of the Junior County of such Union who shall have been in office on the day preceding the dissolution of such Union, shall, until replaced by new elections held under the said first mentioned Act, form and be to all intents and purposes whatsoever the Municipal Council of such Junior County, which Municipal Council and their successors shall to all intents and purposes whatsoever be substituted for the Provisional Municipal Council of such County, which shall have been thereby dissolved, and the Provisional Warden and other Provisional Officers of the said Provisonal Municipal Council shall be and contiue the Warden and Officer respectively of such Junior County, until the election or appointment of their successors under the said first mentioned Act, and all the By-laws of such Provisional Municipal Council shall be and continue to be in force until amended, altered or repealed according to law, by some By-law or By-laws to be passed for that purpose by the Municipal Council of such Junior County, as such By-laws would be and remain in force had the same been By-laws of such Municipal Council.]

13 & 14 Vic. Cap. 64, sec. 13.
And to be liable for debts, &c.

[XIII. And be it enacted, That every Municipal Corporation so substituted for the Provisional Municipal Corporation of any County in Upper Canada, shall become charged with and liable to all debts, liabilities and obligations of such Provisional Municipal Corporation legally contracted or incurred as aforesaid, as if such debts, liabilities, and obligations had been contracted by such Municipal Corporation themselves; and all actions at law and suits in Equity, wherein such Provisional Municipal Corporation shall have been a party, and pending at the time of the dissolution of such Provisional Municipal Corporation, shall be continued by or against such substituted Municipal Corporation in their Corporate Name, as if such Municipal Corporation had been the party thereto originally.]

14 & 15 Vic., Cap. 109, sec. 23.
By-laws of any union of Counties to remain in force in the Junior County after its separation therefrom, until repealed, altered, &c.
Proviso: Certain By-laws not to be repealed, &c., in certain cases.

[XXIII. And be it enacted, That the By-laws of every Union of Counties in force in any Junior County of such Union at the time of the dissolution of any such Union by Proclamation or otherwise, according to law, shall continue in force in such Junior County as if such By-laws had been passed by the Municipal Council of such Junior County, until the same shall be repealed, altered or amended respectively by the Municipal Council of such Junior County: Provided always, nevertheless, that nothing herein contained shall extend to empower the Municipal Council of such Junior County to repeal, alter or amend any of such By-laws, or any part thereof, which could not lawfully be so repealed, altered or amended by the Municipal Council of such Union of Counties, were such Union a still subsisting Union at the time of such repeal, alteration or amendment.]

Separate Registry of deeds for Junior Counties.

XIX. And be it enacted, That upon the disuniting any such Junior County from any such Union, there shall be a separate Registry of Titles for such County, as for other Counties generally in Upper Canada.

Property of the Union in either County to become the property of that County.

XX. And be it enacted, That upon the disuniting any such Junior County from any such Union, all the Public Property of such Union not situate, lying and being within such Junior County, shall, *ipso facto*, become the sole property of, and be thereupon vested in the remaining County or Counties, of such Union, and all the public property of such Union situate, lying and being within the limits of such Junior County, shall, *ipso facto*, become the sole property of and be thereupon vested in such Junior County.

Provisions as to actions, &c., pending at the dissolution of any Union.

XXI. And be it enacted, That all Actions, Informations and Indictments, pending at the time so appointed by Proclamation for the disuniting such Junior County from such Union, shall be tried in the Senior County, unless by order of the Court in which the same shall be pending in Term time, or of some Judge thereof in vacation, the Venue therein shall be changed to the Junior County, which change every such Court or Judge, is hereby authorized to grant and direct, either on the consent of parties, or in their or his discretion, on hearing such parties to the point by affidavit or otherwise.

XXII. And be it enacted, That upon any such change of Venue, the records and papers of every such Action, Information and Indictment shall, when necessary, be transmitted to the proper Offices of such Junior County.

Proceedings if the Venue be changed.

XXIII. And be it enacted, That all and every the Rules and Regulations, provisions, matters and things contained in any Act or Acts of the Parliament of this Province, or of the Parliament of the late Province of Upper-Canada, for the regulation of or relating to Court Houses and Gaols, or either of them, which shall be in force and operation at the time so appointed by Proclamation for disuniting such Junior County from such Union as aforesaid, shall be and are hereby extended to the Court House and Gaol of such County so disunited as aforesaid, and the said Courts of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County, Surrogate, and every other Court of the said Junior County required to be held at a certain place, shall be commenced, and from time to time holden at the Court House so erected and declared to be the Court House of such County by such Proclamation as aforesaid, or any other that may be lawfully substituted for the same.

Laws applicable to Gaols and Court Houses to become applicable to those in the Junior County, &c.

[XII. And be it enacted, That any person charged with any indictable offence, who at the time of the disuniting of any Junior County from any Senior County under the provisions of the Act passed in the twelfth year of Her Majesty's Reign and intituled, *an Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, or of any other Act of the Parliament of this Province, shall be imprisoned on such charge in the Gaol in such Senior County, or be under bail or recognizance to appear for trial at any Court in such Senior County, may be indicted, tried, sentenced and punished either in such Senior County or such Junior County, as to the Court before whom such person shall be tried shall seem meet.]

16th Vic., Cap. 181, sec. 12. Parties in Prison or under bail at the time of the dissolution of any union, may be tried, &c., in either County.

XXIV. And whereas the Counties mentioned in the Schedule to this Act annexed marked C. comprehend one area of territory for some purposes, and another and different area for other purposes: And whereas such diversities are inconvenient and should be discontinued—Be it enacted, That the several Counties mentioned in the said Schedule marked C, shall, as well for the purposes of Representation, and the Registration of Titles, as for Judicial, Municipal, and all other purposes whatsoever, consist of and include the Townships and places mentioned as lying therein, the said Schedule C, and such other Townships and places as from time to time may hereafter be attached thereto according to Law.

Certain Counties to consist of all the Townships within their area for all purposes.

XXV. And be it enacted, That for judicial purposes only, the Town-

Oneida and Seneca attached

to Wentworth for certain purposes.

ships of Oneida and Seneca shall remain attached to and form part of the County of Wentworth so long as the County of Haldimand shall remain united to the County of Lincoln, and no longer.

How certain Counties are to be formed for all purposes.

XXVII. And be it enacted, that the several Counties in Upper Canada not mentioned in the Schedule to this Act annexed marked C, shall, as well for the purpose of Representation and the Registration of Titles, as for Judicial, Municipal and all other purposes whatsoever, consist of and include the several Townships, Villages, Towns and places of which for the purpose of Representation, such Counties are now by Law declared to consist, and such other Townships and Places as from time to time may hereafter be attached thereto according to Law: Provided always, nevertheless, that nothing in this Section contained shall interfere, or be construed to interfere, with the union of certain of such Counties for the purposes of Representation in Parliament as hereinafter mentioned.

Proviso.

How Cities are to be formed for purposes of Representation.

XXVIII. And be it enacted, That for the purposes of Representation in the Provincial Parliament, the City of Toronto and the Liberties thereof shall form no part of the County of York; the City of Kingston and the Liberties thereof, no part of the County of Frontenac; the City of Hamilton and the Liberties thereof, no part of the County of Wentworth; and the Towns of Niagara, Cornwall, Brockville, London and Bytown, no part of the respective Counties of Lincoln, Stormont, Leeds, Middlesex, or Carleton, within the bounds of which such Towns are respectively situated.

Toronto, Kingston and Hamilton, united to their counties for Judicial purposes.

XXIX. And be it enacted, That the Cities of Toronto, Kingston and Hamilton, with their respective Liberties, shall for all Judicial purposes except as hereinafter excepted, be united to the following Counties respectively, that is to say: the said City of Toronto and the Liberties thereof to the County of York; the said City of Kingston and the Liberties thereof to the County of Frontenac; and the said City of Hamilton and the Liberties thereof to the County of Wentworth; excepting always nevertheless, as respects such Cities and the Liberties thereof, such Judicial Powers and Provisions as are comprehended in the respective Legislative Charters of such Cities respectively, or such powers and provisions as may be so comprehended in any Act or Acts for amending those Charters or any of them, or in any general Act for that purpose applicable to the whole of such Cities in general, or in any other Act or Acts applicable to them, or any of them in particular.

Exceptions.

IV. MISCELLANEOUS AND TEMPORARY PROVISIONS.

Provision as to the United Counties of

XXX. And be it enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in the Counties of Kent and Lambton, shall form a Provisional Municipal Council for such Counties as United Counties, and such Provisional Municipal Council shall, with respect to such Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally, erected by Proclamation under the authority of this Act, and also all such powers as by an Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, were conferred upon the Township Councillors of the different Townships of the said Counties; and such Provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Corporation of such United Counties, both Provisional and Permanent, shall, and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise, as in the case of debts of any other Municipal Corporation in Upper Canada.

Lambton and Kent.

Act 10 & 11, V. c. 39.

XXXI. And be it enacted, That so soon as the Court House and Gaol, now in course of being erected under the authority of the said Act of Parliament last mentioned, shall have been completed, according to the provisions of the said Act, and the other provisions of the fifteenth Section of this Act, shall have been complied with by the said United Counties of Kent and Lambton, it shall and may be lawful for the Governor of this Province in Council to issue a Proclamation, dissolving the Union between the said United Counties of Kent and Lambton and the County of Essex, and from thenceforth the said United Counties of Kent and Lambton shall form a Union of Counties, and all the provisions of this Act applicable to Unions of Counties in general shall be applicable to such Union to all intents and purposes, as if such United Counties were set forth as such in the Schedule to this Act annexed marked A.

Further provision in regard to the United Counties of Kent and Lambton.

XXXII. And be it enacted, That all actions, informations, indictments, inquisitions and other proceedings, of what nature or kind soever, whether of a judicial or any other character, now pending in the several Districts in Upper Canada, shall from henceforth be deemed and taken to all intents and purposes whatsoever, to be pending in the Counties or Unions of Counties, to which they are respectively transferred, as respectively set forth in the Schedule to this Act annexed marked B, as

Provision as to pending actions and other proceedings in the present Districts.

if the same had been originally instituted and proceeded with in such Counties or Unions of Counties respectively, and the different Courts, Officers and other Authorities in which or before whom the same shall be respectively pending, shall take such order respecting the same as may be necessary or expedient for the proper disposition of the same, according to law, without prejudice to the parties interested or affected, or any of them, from the abolition of such Division into Districts, and the establishment of a Division into Counties in lieu thereof, as herein provided.

Recital.

XXXIII. And whereas divers of the inhabitants of each of the two Counties of Haldimand and Welland, the Junior Counties of the United Counties of Lincoln, Haldimand and Welland, have petitioned Parliament to be set apart for judicial and other purposes, and the sense of the said two Counties respectively being in favour of such separation, and their wealth and population being sufficient to entitle them to the same, according to the provisions of this Act, for the dissolution of such Unions, it appears expedient that provision should be at once made for enabling such two Counties, or either of them, to procure such separation so soon as they shall have made the necessary preparations for that purpose: Be it therefore enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in each of the said two Counties of Haldimand and Welland, shall form a Provisional Municipal Council for each of such Counties respectively; And each of such Provisional Municipal Councils shall, with respect to their respective Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally erected by Proclamation under the authority of this Act, and each of such Provisional Municipal Councils shall and may, so soon as they shall think fit so to do, proceed to determine the place in such County for the County Town thereof, and to purchase the necessary property thereat, and to erect the necessary public buildings upon such property.

Townreeves in each of the Counties of Haldimand and Welland to be a Provisional Council, &c.

XXXIV. And be it enacted, That so soon as the Court House and Gaol of either of such two Counties shall have been erected and completed at the County Town of such County, according to the provisions of the fifteenth section of this Act, and the other provisions of the said fifteenth section shall have been complied with by such County, it shall and may be lawful for the Governor of this Province in Council, to issue a Proclamation dissolving the Union between such County and the United Counties of Lincoln, Haldimand and Welland, or, if one of such Counties shall have been then already separated by Proclamation from such Union, then dissolving the Union between such County and

Provision respecting the Union of the Counties of Lincoln, Haldimand and Welland.

the said County of Lincoln, and from the date of such Proclamation dissolving the Union between either of such Counties and the other two Counties belonging to such Union, the remaining County shall, with the said County of Lincoln, form a Union of Counties until the Union between the other of such Counties and the said County of Lincoln shall in like manner be dissolved, and from the separation of either of such two Counties from the said United Counties of Lincoln, Haldimand and Welland, the said County of Lincoln and the other of such two Counties shall form a Union of Counties under this Act, until the separation of such two last mentioned Counties as herein provided ; and all the provisions of this Act applicable to Unions of Counties in general, shall be applicable to such Union, to all intents and purposes, as if the said County of Lincoln and such other County had been set forth as such, in the Schedule of this Act annexed marked A.

Property of Districts transferred to Counties and Unions.

XXXV. And be it enacted, That all the public property, both real and personal, of the several Districts in Upper Canada, shall become the property of, and the same is hereby conveyed and transferred to and vested in the Municipal Corporations of the several Counties and Unions of Counties, to which respectively the judicial and other proceedings pending in such Districts respectively, are transferred by the thirtieth Section of this Act, as set forth in the said Schedule to this Act, annexed marked B.

Acts, &c., inconsistent with this Act repealed.

XXXVI. And be it enacted, That all Acts and parts of Acts and provisions of Law of what nature or kind soever, in force in that part of this Province called Upper Canada, or any part thereof, immediately before the time this Act shall come into force, which shall be inconsistent with or contradictory to this Act, or any part thereof, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall, so far as the same shall be inconsistent with the provisions of this Act or any of them, be, and the same is hereby so far repealed to all intents and purposes whatsoever.

Who shall be Justices of the Peace in Counties and Unions.

XXXVII. And be it enacted, That Her Majesty's Justices of the Peace, and other persons holding Commission or Office, or bearing lawful authority, in the different Districts in Upper Canada, from which judicial and other proceedings are by this Act transferred to the several Counties and Unions of Counties in the same, as set forth in the Schedule to this Act annexed marked B, shall continue to hold, enjoy and exercise the like Commission, Office, Authority, Power and Jurisdiction, within the County or Union of Counties, respectively, to which such judicial and other proceedings are hereby respectively transferred as in the said Schedule set forth, respectively, to all intents and purposes whatsoever, as if their respective Commissions or other authorities were expressed to be for such County or Union of Counties, instead of for such District respectively.

Act may be amended this Session.

XXXVIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Schedule A.

SCHEDULE A.

Counties of Upper-Canada united for Judicial and other purposes.

The United Counties of—

1. Essex and Kent.
2. Frontenac, Lennox and Addington.
3. Lanark and Renfrew.
4. Leeds and Grenville.
5. Lincoln, Haldimand and Welland.
6. Northumberland and Durham.
7. Prescott and Russell.
8. Stormont, Dundas and Glengary.
9. Wentworth and Halton.

Schedule B.

SCHEDULE B.

Counties and Unions of Counties in Upper-Canada, to which Judicial and other proceedings of the late Districts are transferred respectively under this Act:

To,

1.	Carleton	those of the	Dalhousie	District.
2.	Essex and Kent	"	Western	"
3.	Frontenac, Lennox and Addington	"	Midland	"
4.	Hastings	"	Victoria	"
5.	Huron	"	Huron	"
6.	Lanark and Renfrew	"	Bathurst	"
7.	Leeds and Grenville	"	Johnstown	"
8.	Lincoln, Haldimand and Welland	"	Niagara	"
9.	Middlesex	"	London	"
10.	Norfolk	"	Talbot	"
11.	Northumberland and Durham	"	Newcastle	"
12.	Oxford	"	Brock	"
13.	Peterborough	"	Colborne	"

14. Prescott and Russell	to those of the	Ottawa District.
15. Prince Edward	"	Prince Edw'd "
16. Simcoe	"	Simcoe "
17. Stormont, Dundas and Glengary	"	Eastern "
18. Waterloo	"	Wellington "
19. Wentworth and Halton	"	Gore "
20. York	"	Home "

SCHEDULE C.

Schedule C.

Counties in Upper-Canada which henceforth shall, for all purposes, include and consist of the Townships and places therein mentioned.

1. Haldimand, which shall include and consist of the Townships of Canboro, Cayuga, Dunn, Moulton, Oneida, Rainham, Seneca, Sherbrooke, and Walpole.

2. Halton, which shall include and consist of the Townships of Beverly, Dumfries, Esquesing, East Flamborough, West Flamborough, Nassagaweya, Nelson and Trafalgar.

3. Norfolk, which shall include and consist of the Townships of Charlotteville, Houghton, Middleton, Townsend, Woodhouse, Windham, Walsingham and Long Pointe, and Ryerson's Island in Lake Erie.

4. Waterloo, which shall include and consist of the Townships of Arthur, Amaranth, Bentinck, Derby, Eramosa, Egremont, Erin, Guelph, Glenelg, Garrafraxa, Holland, Luther, Mornington, Minto, Maryborough, Melancthon, Normanby, Nichol, Peel, Proton, Puslinch, Sydenham, Sullivan, Waterloo, Wilmot, Woolwich and Wellesley.

5. Wentworth, which shall include and consist of the Townships of Ancaster, Brantford, Binbrooke, Barton, Glandford, Onondago, Saltfleet and Tuscarora.

TERRITORIAL DIVISIONS ALTERATIONS, 1851.

ACT 14 *&* 15 *VIC., CAP.* 5.

An Act to make certain alterations in the Territorial Division of Upper Canada.

Preamble.

Whereas it is expedient to make certain alterations in the present Territorial Divisions of Upper Canada, for Judicial, Municipal and other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the time when this Act shall come into force, Upper Canada shall be divided into the Counties mentioned in the Schedule to this Act marked A, which Counties shall respectively include and consist of the several Townships mentioned in the said Schedule as forming such County, and the Cities, Towns and Villages and the Liberties of the said several Cities therein: Provided always, that for municipal purposes, the Cities of Toronto, Hamilton and Kingston and the Liberties thereof shall not form part of the Counties of York; Wentworth and Frontenac within the limits whereof they are situate, but shall be Counties by themselves; and that for the purpose of representation in the Provincial Parliament, neither the said Cities nor the Liberties thereof, nor the Towns of London, Niagara, Brockville, Bytown or Cornwall respectively, shall form part of the Counties of York, Wentworth, Frontenac, Middlesex, Lincoln, Leeds, Carleton and Stormont within the limits whereof they are situate.

Upper Canada divided into counties as for Schedule A.

II. And be it enacted, That the Counties mentioned in the Schedule to this Act marked B, shall, for all Judicial and Municipal purposes, and for all other purposes whatsoever, except for purposes of representation in the Provincial Parliament, be formed into Unions, as in the said Schedule set forth; and each of such Unions, under the name of "The United Counties of —— and ——" (naming them,) shall for all such purposes, (except as before excepted) have in common between them all such courts, offices and institutions, as by the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, intituled *An Act for abolishing the Territorial Division of Upper Canada into Disitricts, and for providing for temporary Unions of Counties, for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, are to be had in common by Counties united under the said Act: Provided always, that any County which now has or any two or more Counties which now have between them a Registry office for the Registration of Titles, shall continue to have the same, as before the passing of this Act, save and except that each County which is now entitled to a Representative in Parliament shall also have a separate Registry Office for the registration of titles; and Registrars shall be appointed accordingly.

Counties in Schedule B, united for certain purposes.

Certain provisions of 12 Vict., c. 78, to apply to Counties united under this Act.

III. And be it enacted, That all the provisions contained in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, thirty-fifth and thirty-seventh, sections of the said last recited Act, (by which sections provision is made for and with respect to the dissolution of the unions of Counties, and matters connected therewith), shall, in so far as may be consistent with the other provisions of this Act, apply to the unions of Counties formed under this Act, as fully as to those authorized by the Act above recited.

Proclamation may issue erecting Town Reeves of certain Counties into a provisional Municipal Council.

IV. And be it enacted, That at any time after the first day of February next, it shall be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, with reference to any of the Counties of Elgin, Waterloo, Ontario, Brant, Grey, Lambton or Welland, naming a place within such County for a County Town, and erecting the Town Reeves and Deputy Town Reeves of such County then elected or thereafter to be elected for the same, into a provisional Municipal Council for such County, and declaring such Municipal Council a Provisional Municipal Council under the authority of the Act last above cited, until the dissolution of the union of such County with the other County or Counties to which it is by this Act united; and each and every such provisional Municipal Council, shall, with regard to the County for which it shall be erected by such Proclamation, have, possess, exercise and perform all and singular the rights, powers, privileges, and duties conferred, granted or imposed upon provisional Municipal Councils erected by Proclamation under the said recited Act, which shall apply to it in the same manner as to any Provisional Municipal Council erected under the said Act: and the first meeting of such Provisional Municipal Council shall be held at the County Town appointed by such Proclamation, and at such time as shall be thereby appointed, but if not held at such time, then at any time on which a majority of the members thereof shall agree.

Dissolution of Unions of Counties provided for.

V. And be it enacted, That so soon as the Court House and Gaol in any one of the said Counties shall have been erected and completed at the County Town of such County according to the provisions of the fifteenth section of the Act last above cited, and the other provisions of the said fifteenth section shall have been complied with by such County, it shall and may be lawful for the Governor in Council to issue a proclamation dissolving the union between such County and the County or Counties with which it is united according to the Schedule B of this Act; and if it be so united with more than one County, then the remaining Counties shall form a union of Counties under this Act until they be separated in the manner by the said Act provided; and all provisions of the said Act or of this Act applicable to unions of Counties in general shall be applicable to such union, to all intents and purposes, as if such remaining Counties had been set forth as such in the said Schedule B of this Act.*

Recital.

VI. And whereas in some cases Townships or other tracts of land or localities will, when this Act comes into effect, be detached from the County to which they now respectively belong, and attached to another, and it is necessary to make provision for such cases : Be it therefore enacted, That [except in those cases with regard to which it is otherwise provided by this Act) the Court House and the land thereunto attached, with all the appurtenances and dependencies thereof, and all the personal property of the County from which any Township or other tract shall be detached under this Act, and all taxes due in such County before this Act shall come into effect, and all other moneys due to such County, shall, after this Act shall come into effect, be the property of the County in which such Court House shall be situate, which, notwithstanding any change of its limits or name, shall be held to be the same County and the same Municipal Corporation with that of which such Court House was the County Court House before this Act came into effect, and shall be entitled to claim and recover and enforce all debts, effects and obligations belonging to or contracted in favour of such last mentioned County, and shall be liable for all debts or obligations due from or contracted by the same, and all By-laws of the same shall remain in force in such County as limited by this Act until repealed or altered by competent authority; and no suit, action or proceeding shall abate or be discontinued in consequence of such change of limits or of name, but may be continued and completed by or against such County, with its new limits and by its new name, as effectively as if such limits or name had not been changed: Provided always, that any County or Union of Counties under this Act shall, after this Act shall come into force, be held to be the same Municipality and the same Corporation with the County or Union of Counties which, before the coming into force of this Act, had the same Court House, notwitstanding any change of limits or of name affected by this Act, and notwithstanding that it may after the coming into force of this Act be a Union of several Counties instead of being a single County as theretofore.

To what County property shall belong, &c. when a tract is detached from a County under this Act.

As to debts due by any County from which a tract is detached.

VII. Provided always, and be it enacted, That the County from which any Township, tract of land or locality shall be detached under

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Brant.—Proclaimed, January 22, 1853.
Elgin.—Proclaimed, September 30, 1853.
Ontario.—Proclaimed, December 30, 1853.
Waterloo.—Proclaimed, January 22, 1853.
Lambton.—Proclaimed, September 30, 1853.
Grey.—Proclaimed, December 30, 1853.

this Act, shall, with reference to any County of which such Township, tract or locality is thereafter to form a part, be known as the "Elder County," and the County of which such Township, tract or locality so detached is thereafter to form a part, shall, with reference to such Elder County be known as the "Younger County," and if a County be divided into two or more Counties, then that in which the present Court House is situate shall be the Elder County ; and it shall be lawful for such Elder or Younger Counties, "or the Unions of which they respectively form part," to enter into an agreement for the adjustment and settlement of the proportion (if any) of any debt due by such Elder County, "or the union of which it forms part," which it may be just that such Younger County, "or union of Counties," should take upon itself, "in respect of such accession of Territory," with the time or times of payment thereof; and every such agreement shall both in law and equity be binding upon such Elder and Younger Counties, "or union of Counties respectively :" Provided also, that if the said Counties, "or union of Counties," shall not enter into such agreement the proportion of such debt (if any) to be assumed by such Younger County, "or union of Counties," shall be settled by arbitration in like manner as similar questions arising between a Senior and a Junior County are directed to be settled in default of agreement, by the fifteenth section of the act above cited; and the portion (if any) of such debt so agreed upon or settled, shall be a debt due by the Younger "County or union of Counties," to the Elder County "or union of Counties," and shall bear legal interest from the day this Act shall come into effect, and its payment shall be provided for by the Municipal Council of such Younger County "or union of Counties," in like manner as is or shall be required by law with respect to other debts due by such Municipal Council, (in common with others,) and in default thereof it may be sued for and recovered as any of such other debts.

Proviso in case of non-agreement.

VIII. Provided always, and be it enacted, That the Townships of Waterloo, Wilmot, Wellesley, and that portion of the present Township of Woolwich not included in the new Township of Pilkington, shall be responsible for their share of the debt incurred or to be incurred for the construction of the Guelph and Dundas Road, in proportion to their respective assessment for the year of Our Lord one thousand eight hundred and forty-eight, relatively to the corresponding assessments of the other portions of the late District of Wellington, for that year, and shall have a lien on the road for the amount of any payments they may be called on to make in consequence of such liability, but any questions affecting the other debts of the said late District of Wellington, or the present County of Waterloo, or the new County of Wellington, shall be

Special provision as to Guelph and Dundas Road debt.

settled in the manner provided by this Act and the said last recited Act, in relation to similar cases.

Acts 12 Vict. c. 81, and 13 and 14 Vict. c. 64, to apply to Counties and Townships constituted under this Act.

IX. And be it declared and enacted, That all the provisions and enactments of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, and of the Act amending the same, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign and chaptered sixty-four, shall, in so far as they may not be inconsistent with this Act, apply to the Counties and Townships constituted by this Act.

Inconsistent enactments repealed. 8 Vict. c. 7.

X. And be it enacted, That so much of the Schedules annexed to the Act herein first cited, or of any other part thereof, or of the Act passed in the eighth year of Her Majesty's Reign, and intituled *An Act for better defining the limits of the Counties and Districts in Upper Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts*, or of the Schedules to the said Act, or of any other Act or Law, as shall be inconsistent with this Act, or as makes any provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be and is hereby repealed.

XI. And be it enacted—

As to limits of Townships on certain Lakes and Rivers.

That the limits of all the Townships lying on the River St. Lawrence, Lake Ontario, the River Niagara, Lake Erie, the River Detroit, Lake St. Clair, the River St. Clair, or Lake Huron, shall extend to the boundary of the Province in such lake or river, in prolongation of the outlines of each Township respectively; and such Townships shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the said outlines so prolonged:

In Counties on the Ottawa.

That the limits of the Townships lying on the River Ottawa shall in like manner extend to the middle of the main channel thereof, but such Townships shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the said outlines so prolonged; excepting always the Islands in front of the Seigniory of La Petite Nation and the Grand Calumet and Grand and Little Allumettes Islands, which belong to Lower Canada, the middle of the main channel between the last named Islands, and the southerly bank of the Ottawa River, being the boundary between Upper and Lower Canada:

In the County of Glengary.

That the limits of the Townships in the County of Glengary shall in like manner extend to the middle of Lake St. Francis, and to the middle of the main channel of the River St. Lawrence, but shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the outlines of the said Townships so prolonged:

On the Bay of Quinte, &c.

And that the limits of the Townships on the Bay of Quinte, the River Trent and its Lakes, Lake Simcoe, the River Severn, the River Rideau and its Lakes, the River Thames, the Grand River, and any other rivers, lakes and bays not hereinbefore mentioned, shall in like manner extend to the middle of the said lakes and bays, and to the middle of the main channels of the said rivers respectively, but shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the outlines of the said Townships so prolonged:

Exceptions.

Excepting always any Islands or parts of Islands which are Townships by themselves, or which have been expressly included in other Townships in the original surveys and plans thereof, remaining of record in the office of the Commissioner of Crown Lands, and which shall remain part of such Townships.

As to suits pending when this Act shall commence.

XII. And be it enacted, That notwithstanding any change made by this Act in the limits of any County or union of Counties or Township, all indictments, suits, actions and proceedings pending in any Court at the time this Act shall come into effect, may nevertheless be continued to trial and judgment in such Court, and such judgment may be executed, as if this Act had not been passed, although the local jurisdiction of such Court may be changed as to other matters.

Representation.

XIII. And be it enacted, That for the purpose of representation in the Provincial Parliament, the Counties mentioned in the Schedule to this Act marked C, shall respectively be united under the names therein assigned, and each such Union shall be represented by one member, and every other County in Upper Canada, except the County of York, by one Member; and that the said County of York shall be represented by two Members; but the seat of any Member elected before the commencement of this Act, shall not be affected by its coming into force.

NewTownships.

XIV. And be it enacted, That the several tracts of land mentioned in the Schedule to this Act marked D, shall respectively form new Townships by the names assigned to them respectively in the said Schedule: Provided always, that in all cases where any portion of a Township is detached therefrom by this Act, the remainder shall thereafter form a Township by the name which the whole Township bore, unless it be otherwise provided, and shall by that name hold all the

Proviso as to debts, property, &c.

property and rights, and be liable for all the debts and claims upon such Township as theretofore limited; and when any Township is by this Act divided into two or more Townships, that portion thereof in which the Municipal Council thereof held its sittings immediately before this Act came into force shall be deemed the elder Township, and shall hold all property of and all taxes and other debts due to the former Township, and be liable for all debts and liabilities of the same, and notwithstanding its change of name or limits, shall be held to be the same Corporation with such former Township, and the other new Township shall be deemed the younger Township; and it shall be lawful for such elder and younger Townships to agree together as to the share which such younger Township ought to have or bear of or in the property or liabilities of the former Township, and if they cannot agree, then it shall be settled by arbitration in the same manner as like questions arising between an elder and a younger County, and the agreement or award shall have a like effect; and where two Townships shall be united by this Act, the property and liabilities of each of them shall become the property and liabilities of the new Township, which shall be deemed to be one and the same Corporation with each of them, notwithstanding the change of limits or name; and at the first election of Councillors in any "such" new Township, the "Warden of the County in which such new Township shall be situate, shall appoint a fit and proper person" to be the Returning Officer, and shall appoint the place of election and the time and place of the first meeting of the Town Council.

Tracts detached from Townships.

XV. And be it enacted, That the portions of Townships mentioned in the Schedule to this Act marked E, shall be detached from the Townships of which they have hitherto formed part, and shall form part of the Townships to which they are respectively mentioned in the said Schedule as being attached.

XVI. And whereas by the third Section of the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to supply certain necessary legislative provisions not included in Acts therein mentioned*, and by a proclamation issued in accordance therewith, the Counties of Essex and Lambton are united for judicial purposes, but the relative geographical position of the said Counties is such that parties cannot travel from either of the said Counties to the other without passing the County of Kent, or by the waters of the lake and river St. Clair contiguous and belonging thereto, and it has been found inconvenient in the case (amongst others) of prisoners on the limits of Essex and Lambton aforesaid, that they should not be permitted to travel from the County of Essex, where the jail of the said United Counties is situate, into the County of Lambton without departing from the said limits: Be it enacted, That in any case where a person shall have been heretofore, or shall hereafter be admitted to the limits of the said united Counties of Essex and Lambton in manner prescribed by law, and shall travel, or shall have heretofore travelled or departed from Essex to Lambton or from Lambton to Essex, while being a prisoner on the limits, such travel or departure shall not have or be held or construed to have or to have had any effect upon the liability of the said party or any other person, or any other effect whatever, other than would have been the case, if such person had never left the said limits or either of the said Counties; nor in the case of a party being or having been heretofore arrested on any process in either of the said Counties, shall such travel or departure from Lambton to Kent by the Sheriff or Officer employed in conveying such prisoner to the Gaol of the said Counties in Essex, have any other or greater effect upon the liability of the said Sheriff or Officer, than if the said Sheriff or Officer had never left the said Counties of Essex or Lambton during such travel: Provided, nevertheless, that the limits of the three Counties of Essex, Kent and Lambton, shall not in any case be departed from during such travel.

Prisoners may pass through the County of Kent on their way to the Counties of Essex or Lambton.

Sheriff authorized to that effect.

Proviso.

XVII. And whereas by the thirty-second clause of an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, the Registrars of existing Counties are required to furnish certain statements of the Registration of such titles as may have been registered of lands lying in the part so separated, to the Registrars of new Counties, but no provison has been made for defraying the expenses of furnishing such statement: Be it enacted, that every Registrar furnishing such statements shall be entitled to receive from, and be paid by the new County the sum of Six Pence for every folio of one hundred words contained in any such statement so furnished.

Fees to Registrar furnishing statements.

XVIII. And be it enacted, That this Act shall have force and effect upon, from and after the first day of January next, and not before, excepting the sixteenth Section thereof, which shall have force and effect upon, from and after the passing of this Act.

Commencement of this Act.

SCHEDULE A.

COUNTIES.

Schedule A.

1. The County of Glengary shall consist of the Townships of Charlottenburgh, Kenyon, Lochiel, Lancaster and the Indian reservation adjoining the said Townships of Charlottenburgh and Kenyon.

2. The County of Stormont shall consist of the Townships of Finch, Osnabruck, Roxborough and Cornwall.

3. The County of Prescott shall consist of the Townships of Alfred, Caledonia, Hawkesbury East, Hawkesbury West, Longueuil, Plantagenet North, and Plantagenet South.

4. The County of Russell shall consist of the Townships of Clarence, Cumberland, Cambridge and Russell.

5. The County of Carleton shall consist of the Townships of Fitzroy, Goulburn, Gower North, Gloucester, Huntley, March, Marlborough, Osgood, Tarbolton and Nepean.

6. The County of Renfrew shall consist of the Townships of Admaston, Blithfield, Bagot, Bromley, Horton, McNab, Pembroke, Ross, Stafford, Westmeath, and all that tract of land lying between the Western Boundaries of the Townships of Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke and the Ottawa River, and a line drawn parallel to the general course of the said Boundaries of the said Townships from the western corner of the Township of Clarendon to the Ottawa River.

7. The County of Lanark shall consist of the Townships of Montague, Elmsley North, Burgess North, Sherbrooke North, Sherbrooke South, Bathurst, Drummond, Beckwith, Dalhousie, Lanark, Ramsay, Lavant, Darling and Packenham.

8. The County of Dundas shall consist of the Townships of Mountain, Matilda, Winchester and Williamsburgh.

9. The County of Grenville shall consist of the Townships of Edwardsburg, Wolford, Gower South, Oxford and Augusta.

10. The County of Leeds shall consist of the Townships of North Crosby, South Crosby, Burgess, Bastard, Elmsley, Kitley, front of Leeds and Lansdown, rear of Leeds and Lansdown, Escott, Yonge and Elizabethtown.

11. The County of Frontenac shall consist of the Townships of Wolfe Island, (including Simcoe Island, Garden Island, Horse Shoe Island, and Mud Island,) Clarendon, Barrie, Palmerston, Kennebec, Olden, Oso, Hinchinbrooke, Bedford, Portland, Loughborough, Storrington, Pittsburgh, Howe Island and Kingston.

12. The County of Addington shall consist of the Townships of Camden, Ernestown, Kalader, Anglesea, Sheffield and Amherst Island.

13. The County of Lenox shall consist of the Townships of Adolphustown, Fredericksburg, Fredericksburg additional, and Richmond.

14. The County of Prince Edward shall consist of the Townships of Athol, Ameliasburg, Hillier, Hallowell, Marysburg and Sophiasburgh.

15. The County of Hastings shall consist of the Townships of Lake, Tudor, Grimsthorpe, Marmora, Madoc, Elzevir, Rawdon, Huntingdon, Hungerford, Sidney, Thurlow and Tyendinaga.

16. The County of Northumberland shall consist of the Townships of Murray, Brighton, Cramahe, Haldimand, Hamilton, Seymour, Percy, Alnwick and Monaghan South.

17. The County of Durham shall consist of the Townships of Hope, Clarke, Darlington, Cavan, Manvers and Cartwright.

18. The County of Peterborough shall consist of the Townships of Belmont, Methuen, Burleigh, Dummer, Harvey, Douro, Smith, Monaghan North, Asphodel, Ennismore and Otonabee.

19. The County of Victoria shall consist of the Townships of Mariposa, Ops, Emily, Eldon, Fenelon, Bexley, Verulam and Somerville.

20. The County of Simcoe shall consist of the Townships of Orillia, Matchedash, Tay, Medonte, Oro, Vespra, Flos, Tiny, Sunnidale, Nottawasaga, Gwilliambury West, Essa, Tecumseth, Adjala, Tossorontio Mulmur, Mono and Innisfil, together with the tract of land bounded on the East by the line between the late Home and Newcastle Districts prolonged to French River, on the West by Lake Huron, on the North by French River, and on the South by the River Severn and the Township of Rama, and the Islands in Lakes Simcoe and Huron, lying wholly, or for the most part, opposite to the said County of Simcoe, or any part thereof and contiguous thereto.

21. The County of York shall consist of the Townships of Etobicoke, Vaughan, Markham, Scarborough, York, King, Whitchurch, Gwillimbury East and Gwillimbury North.

22. The County of Peel shall consist of the Townships of Albion, Caledon, Chinguacousy, Toronto and Toronto Gore.

23. The County of Ontario shall consist of the Townships of Whitby, Pickering, Uxbridge, Reach, Brock, *Georgina, Scott, Thora, Mara, Scugog and Rama.

24. The County of Halton shall consist of the Townships of Esquesing, Trafalgar, Nassagaweya and Nelson.

25. The County of Waterloo shall consist of the Townships of North Dumfries, Waterloo, Wilmot, Woolwich and Wellesley.

26. The County of Brant shall consist of the Townships of Brant-

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* This Township transferred to County of York; see page 224.

ford, Onondaga, Tuscarora, Oakland, South Dumfries and Burford, and the Village of Paris.

27. The County of Wellington shall consist of the Townships of Erin, Puslinch, Guelph, Nichol, Garafraxa, Eramosa, Peel, Maryborough, Minto, Arthur, Luther, Amaranth and Pilkington.

28. The County of Grey shall consist of the Townships of Derby, Sydenham, Saint Vincent, Sullivan, Holland, Euphrasia, Collingwood, Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton and Melancthon, together with that portion of the Peninsular Tract of Land known as the Indian Reserve, and situated between a line drawn northward from the north-east angle of Arran and the north-west angle of Derby, until it strikes Colpoy's Bay, on the east side of the Indian Village, and the waters of the Georgian Bay, together with the Islands contiguous thereto.

29. The County of Bruce shall consist of the Townships of Huron, Kinloss, Culross, Carrick, Kincardine, Greenock, Brant, Bruce, Saugeen, Elderslie and Arran, together with all that portion of the Peninsular Tract of Land known as the Indian Reserve, and not included in the County of Grey, together with all the Islands in Lake Huron and the Georgian Bay contiguous thereto.

30. The County of Huron shall consist of the Townships of Hay, Stephen, McGillivray, Biddulph, Usborne, Howick, McKillop, Grey, Morris, Turnberry, Ashfield, Wawanosh, Colborne, Hullett, Tuckersmith, Stanley, and Goderich.

31. The County of Perth shall consist of the Township of Blanchard Hibbert, Fullarton, Downie, including the Gore of Downie, Logan, Ellice, Easthope North, and Easthope South, Elma, Wallace and Mornington.

32. The County of Lambton shall consist of the Townships of Bosanquet, Plympton, Warwick, Sarnia, Moore, Enniskillen, Brooke, Sombra, including Walpole Islands, St. Ann's Island, and the other Islands at the mouth of the River St. Clair, Dawn and Euphemia.

33. The County of Kent shall consist of the Townships of Oxford, Howard, Camden, Chatham, Harwich, Dover East, Dover West, Raleigh, Tilbury East, Romney and Zone.

34. The County of Essex shall consist of the Townships of Mersea, Gosfield, Colchester, Rochester, Maidstone, Malden, Anderdon, Tilbury West and Sandwich.

35. The County of Elgin shall consist of the Townships of Aldborough, Dunwich, Southwold, Yarmouth, Malahide, Bayham and South Dorchester.

36. The County of Middlesex shall consist of the Townships of Mosa, Ekfrid, Carradoc, Metcalfe, Adelaide, Williams, Lobo, Nissouri West, North Dorchester, Delaware, Westminster and London.

37. The County of Norfolk shall consist of the Townsips of Houghton, Middleton, Charlotteville, Windham, Townsend, Woodhouse, Walsingham, including Long Point.

38. The County of Oxford shall consist of the Townships of Zorra East, Zorra West, Oxford North, Oxford East, Oxford West, Dereham, Norwich, Blenheim, Blandford, Nissouri East and the Village of Woodstock.

39. The County of Haldimand shall consist of the Townships of Walpole, Oneida, Seneca, North Cayuga, South Cayuga, Canborough, Rainham, Dunn, Moulton and Sherbrooke.

40. The County of Welland shall consist of the Townships of Pelham, Thorold, Stamford, Crowland, Willoughby, Wainfleet, Humberstone and Bertie.

41. The County of Lincoln shall consist of the Townships of Grimsby, Clinton, Louth, Grantham, Caistor, Gainsborough and Niagara.

42. The County of Wentworth shall consist of the Townships of Beverly, Flamborough East, Flamborough West, Ancaster, Glanford, Binbrook, Saltfleet and Barton.

SCHEDULE B.

COUNTIES UNITED FOR MUNICIPAL, JUDICIAL AND OTHER PURPOSES.

Schedule B.

1. Essex and Lambton.
2. Huron, Bruce and Perth.
3. Middlesex and Elgin.
4. Lincoln and Welland.
5. Wentworth, Halton and Brant.
6. Wellington, Waterloo and Grey.
7. York, Ontario and Peel.
8. Northumberland and Durham.
9. Peterborough and Victoria.
10. Frontenac, Lennox and Addington.
11. Leeds and Grenville.
12. Lanark and Renfrew.
13. Prescott and Russell.
14. Stormont, Dundas and Glengary.

SCHEDULE C.

COUNTIES UNITED FOR THE PURPOSE OF REPRESENTATION.

Schedule C.

1. Kent and Lambton,—as the County of Kent.
2. Huron, Perth and Bruce,—as the County of Huron.
3. Middlesex and Elgin,—as the County of Middlesex.
4. Wentworth and Brant,—as the County of Wentworth.
5. Waterloo, Wellington and Grey,—as the County of Waterloo.
6. Peterborough and Victoria,—as the County of Peterborough.
7. Lennox and Addington,—as the County of Lennox and Addington.
8. Lanark and Renfrew,—as the County of Lanark.

SCHEDULE D.

NEW TOWNSHIPS.

Schedule D.

1. Howe Island, which shall consist of the Island of that name.

2. East Nissouri, which shall include and consist of that part of the present Township of Nissouri, which lies eastward of the line dividing the seventh concession thereof from the eighth.

3. West Nissouri, which shall include and consist of the residue of the present Township of Nissouri.

4. North Dumfries, which shall include and consist of the six northern Concessions of the present Township of Dumfries.

5. South Dumfries, which shall include and consist of the residue of the present Township of Dumfries.

6. North Dorchester, which shall include and consist of all that part of the present Township of Dorchester, lying to the Northward of the line between the sixth and seventh Concessions South of the River Thames.

7. South Dorchester, which shall include and consist of the residue of the present Township of Dorchester.

8. Pilkington, which shall include and consist of that part of the present Township of Woolwich known as the Pilkington Tract.

9. Scugog, which shall include and consist of all those parts of the present Townships of Cartwright and Reach, which compose the Island known as Scugog Island.

10. Orillia, which shall include and consist of the present Township of North Orillia, and the present Township of South Orillia.

11. Brighton, which shall include and consist of all the lots from number one to number ten, both inclusive, in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth concessions, and in the broken front of the present Township of Cramahe, and of the lots from number twenty-three to number thirty-five, both inclusive, in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh concessions, and in the concessions A and B, and the broken front of the present township of Murray, and the peninsula of Presque Isle.

SCHEDULE E.

TRACTS DETACHED FROM TOWNSHIPS AND ATTACHED TO OTHERS.

1. The lots on Yonge Street, in the present Township of West Gwillimbury, shall be detached from the said Township, and be annexed to and form part of East Gwillimbury; and the residue of that part of the said Township of West Gwillimbury which lies on the south-east side of the west branch of the Holland River shall be detached from the said Township of West Gwillimbury, and be annexed to and form part of the Township of King. Schedule E.

2. That part of the present Township of Cartwright, lying to the North of Scugog Lake, shall be detached from the said Township of Cartwright, and be annexed to and form part of the Township of Mariposa.

3. That part of the present Township of Nichol, known as the Town Plot of the Village of Elora, shall be detached from the present Township of Nichol and be annexed to and form part of the Township of Pilkington, and the boundaries of such Town Plot shall be fixed by Proclamation to be issued by the Governor General in Council.

4. The peninsula of Presqu'isle shall be detached from the present Township of Murray and shall be annexed to and form part of the Township of Brighton.

5. The Gore of Murray, lying between the tenth concession of the Township of Murray and the Township of Seymour, shall be detached from Murray, and form part of the Township of Seymour.

6. That part of the present Township of North Dorchester, lying north of the River Thames and east of the middle of the road allowance between lots number eighteen and nineteen, shall be detached from the said Township and shall be annexed to and form part of the Township of Oxford north.

ESSEX, KENT AND LAMBTON.

ACT 12 *VIC., CAP.* 79.

An Act to supply certain necessary Legislative provisions not included in certain Acts therein mentioned.

Preamble.

10 and 11 Vict., c. 39.

County Substitution Act of this Session.

12 Vic., c. 78.

WHEREAS, an Act of the Parliament of this Province was passed in this Session of Parliament, held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-nine, and intituled, *An Act to divide the Western Distrtict of the Province of Canada, and for other purposes therein mentioned*, and which Act is referred to and further provision made with respect to the territory to which the same applies by a certain other Act of the Parliament of this Province, passed in the present Session thereof, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require;* And whereas by the former of the said Acts, provision was made for the erection of a new District, which description of territorial division is by the latter of such Acts abolished; And whereas, while the said last mentioned Act, treats the area of territory, which by the first mentioned Act was embraced in such new District as containing two separate counties, under the names of Kent and Lambton, respectively; the Townships of which such Counties respectively consist, are not specifically declared by either of the said Acts, and it is therefore expedient that such omission should be supplied: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;* and it is hereby enacted by the authority of the same, That for the purposes of the said last mentioned Act, and for all other purposes whatsoever, the said County of Kent shall from henceforth include and consist of the Townships of Camden, Chatham, East Dover, West Dover, Harwich, Howard, Orford, Raleigh, Romney, East Tilbury, West Tilbury, and Zone; and that the said County of Lambton shall from henceforth include and consist of the Townships of Brooke, Dawn, Bosanquet, Enniskillen, Euphemia, Moore, Plympton, Sarnia, Sombra, and Warwick; and this

Of what Townships Kent and Lambton respectively shall consist.

provision with respect to the said Counties shall have the like effect to all intents and purposes whatsoever, as if the same had been inserted in either or both of the said Acts of Parliament: Provided always, nevertheless, firstly, that the said County of Lambton shall for the purpose of representation in the Legislative Assembly, continue united with the said County of Kent so as together to return one member to the said Legislative Assembly, as the territory of which such Counties consist doth at present; And provided also, secondly, that the said Counties of Kent and Lambton, and the County of Essex, shall form a Union of Counties, to be known as the United Counties of Essex, Kent and Lambton, until such Union shall be dissolved by Proclamation as provided by the said last mentioned Act of Parliament, or otherwise as hereinafter provided, and all the provisions of the said last mentioned Act of Parliament, applicable to unions of Counties in general, shall be applicable to such Union to all intents and purposes as if the same had been inserted in the said last mentioned Act of Parliament and the Schedules thereto annexed, under the name of the United Counties of Essex, Kent and Lambton as aforesaid, instead of under that of the United Counties of Essex and Kent.

Proviso as to representation.

Proviso as to the temporary Union of Kent, Essex, and Lambton, for certain purposes.

Parts of Dawn, Sombra, and Zone detached from the said Township.

II. And be it enacted, That as well for the purpose of this Act and the said other Acts of Parliament hereinbefore mentioned and referred to, as for all other purposes whatsoever, so much of the said Township of Dawn as lies to the south of the south main branch of the River Sydenham, sometimes known as Bear Creek, shall be detached from the said Township of Dawn, and by and under the name of the Gore of Camden, be attached to and henceforth form a part of the said Township of Camden; that so much of the said Township of Sombra as lies to the south of the said south main branch of the said river shall be detached from the said Township of Sombra, and by and under the name of the North Gore of Chatham be attached to and henceforth form part of the said Township of Chatham; and that so much of the said Township of Zone as lies to the north of the northerly side line of lots numbers fifteen in the several concessions of the said Township of Zone, shall be detached from the said Township, and shall henceforth form a new Township by and under the name of the Township of Euphemia.

New Township co[illegible]

Certain provisions of the County Substitution Act extended to the Union of Kent, Essex, and Lambton.

III. And be it enacted, That all the provisions of the thirty-third and thirty-fourth sections of the said last mentioned Act, making certain provisions with respect to the United Counties of Lincoln, Haldimand and Welland, shall extend and apply to the said United Counties of Essex, Kent and Lambton, and every of them, as if they and each of them had been mentioned in such sections and the said Schedules to the said Act annexed, respectively; and all the provisions in the said last mentioned Act of Parliament providing for a Union of the said Counties of Kent and Lambton, apart from and irrespective of their Union with Essex, shall be and the same are hereby repealed: Provided always, nevertheless, that all such provisions as by the Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, were conferred upon the Township Councillors of the different Townships of the then County of Kent, shall be possessed by and vested in the Provisional Municipal Council of the said County of Kent as described in this Act; and such provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Council of the said County of Kent as described in this Act, both Provisional and Permanent, shall and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise as in the case of debts of any other Municipal Corporation in Upper Canada.

Proviso as to certain provisions of 10 and 11 Vic., c. 39.

Recital.

IV. And whereas from the geographical position of the said County of Lambton it is expedient that provision be made for its separation from the said Union, without waiting till its population shall be such as is required by the tenth section of the said Act of this present Session providing for the dissolution of such Unions: Be it therefore enacted, That it shall and may be lawful for the Governor of this Province by an Order in Council, upon the Petition of two-thirds or more of the Town Reeves of the said County of Lambton, to issue a Proclamation under the said tenth section of the said last mentioned Act: Provided always, nevertheless, that none of the restrictions in the second proviso to the said tenth section of the said last mentioned Act shall extend or apply to the said Petition.

On what application the Union between Lambton and the other Counties may be dissolved.

Proviso.

Word Townreeves interpreted.

V. And be it enacted, That the term "Townreeves" in the said last mentioned Act, in this Act, and in all other Acts passed or to be passed wherein it refers or shall refer to the Municipal Council of any County or Union of Counties, or to those who compose the same, shall include and be construed to include the Deputy-Townreeves for the different localities of such County or Union of Counties, as well as the Townreeves for the same.

Proviso as to Registry Offices in case of dissolution of Unions.

VI. And be it enacted, That on the dissolution of the Union between any County or any other County or Union of Counties in the manner provided for by the said last mentioned Act, a Registrar shall be appointed for the County so separated, and a Registry Office for the Registry of deeds shall be kept in and for the same at the County Town thereof, in the same manner and under the same provisions as in other Counties in Upper Canada: Provided, always, nevertheless, that unless where such separate Registry Office is already established in any such County, there shall be but one Registrar and one Registry Office for each Union of Counties in Upper Canada, so long as they shall continue united as aforesaid.

Proviso.

VII. And be it enacted, That this Act shall come into and be in operation upon, from and after the first day of January, one thousand eight hundred and fifty.

Commencement of this Act.

VIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended.

WESTERN DISTRICT.

ACT 10 *&* 11 *VIC., CAP.* 39.

An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.

(Repealed with the exception of the following Sections.)

III. And be it enacted, That the District Councillors for the Townships in the said County of Kent, shall and they are hereby authorized, at a Public meeting to be by them holden for that purpose, at some convenient place, within the said Town of Chatham. so soon after the passing of this Act as may be convenient, (a notice signed by a majority of the said Councillors calling such meeting and fixing upon the time and place thereof having been served at least ten days before that fixed for the meeting, on each of the Councillors entitled to attend the same,) to procure by such means as to the said Councillors, or the major part of them present at such meeting, or at any adjourned meeting of the said Councillors, shall seem fitting and proper, plans and elevations of a Gaol and Court House, to be laid before them for the purpose of thereafter selecting and determining upon one by the Councillors then and there assembled as aforesaid.

The District Councillors for the said County of Kent to procure plans for a Court House and Gaol.

IV. Provided always, and be it enacted, That such Gaol and Court House for the said District of Kent shall be erected on the ground reserved as a site for a Gaol and Court House in the said Town of Chatham, which ground and the said Court House and Gaol shall be, from and after the Proclamation aforesaid, vested in the District

Where the said Gaol and Court House shall be erected.

Council of the said District of Kent, until which time the same shall be and are hereby vested in the Building Committee hereinafter mentioned.

The said Councillors may authorize a loan to be raised by the Treasurer of the Building Committee.

X. And be it enacted, That it shall and may be lawful for the Councillors for the Townships in the said County of Kent, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorize and direct the Treasurer so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies corporate or politic, as may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected in the said intended District, a sum not exceeding three thousand pounds, to be applied in defraying the expenses of building the said Court House and Gaol.

Amount to be borrowed.

No more than legal interest to be paid.

Interest and Capital how to be paid.

XI. Provided always, and be it enacted, That the money so borrowed under the authority of this Act shall not be at a higher rate of interest than six per centum per annum; and the Treasurer for the said intended District for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum of not less than one hundred pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

No Treasurer to receive any per centage on monies coming into his hands under this Act.

XII. And be it enacted, That no Treasurer hereafter to be appointed, either by the said meeting, or by the Councillors of the said intended District, shall be entitled or authorized to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his hands, or for paying out any sum or sums of money, in discharging and liquidating such loan with the interest thereon as aforesaid.

HURON, PERTH AND BRUCE.

ACT 12 *VIC.*, *CAP.* 96.

An Act to divide the District of Huron, in the Province of Canada, and for other purposes therein mentioned.

Preamble.

Whereas from the great extent of the District of Huron as at present constituted, and the consequent distance of some parts of it from the District Town, the inhabitants of those parts suffer great inconvenience; And whereas also, from the vastly increasing population and agricultural advancement thereof, it is expedient that the said District should be divided, and certain portions of the same should be set off and erected into new and separate Counties, to remain united to that of Huron until they shall be disunited under the provisions of the Act passed in the present Session, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for Temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for all the purposes of the Act cited in the Preamble to this Act, the County of Huron shall be divided into three Counties, to be called respectively, the County of Huron, the County of Perth, and the County of Bruce: and the County of Perth shall include and consist of the Townships of Blanchard, Hibbert, Fullarton, Logan, Downie, (including the Gore of Downie,) Ellice, Easthope North, Easthope, south, (including the Town of Stratford,) Elma and Wallace, in the now County of Huron, and Mornington in the now County of Waterloo; the County of Bruce shall include and consist of the Townships of Huron, Kinloss, Culross, Carrick, Kincardine, Greenock, Brant, Bruce, Saugeen, Elderslie and Arran; and the County of Huron shall include and consist of all the remainder of the now County of Huron (including the Town of Goderich,) but the said three Counties of Huron, Perth and Bruce shall remain united and form a Union of Counties for all the purposes of the Act last aforesaid, until such Union be dissolved in the manner provided in the said Act.

County Substitution Act of this Session (c. 78) cited.

County of Huron divided into three Counties.

Perth.

Bruce.

Huron.

II. And be it enacted, That all that Peninsular Tract of Land lying to the northward of the Townships of Derby, Arran and Saugeen, and between Lake Huron and the Georgian Bay, and known as the Indian Reserve, together with every Island in Lake Huron or the Georgian Bay, any portion of which lie within ten miles of the shore of the said Peninsular Tract of Land, (unless such Island shall lie further south than the northern boundary line of the said Townships of Derby, Arran and Saugeen,) shall be annexed to and form part of the County of Waterloo: and that every such Island in Lake Huron as shall lie further south than the said boundary line, shall form part of such of the said Counties of Huron or Bruce respectively as such Island shall lie most adjacent to.

To what County a certain Peninsular Tract and certain Islands shall belong.

County of Perth to be considered as if a proclamation had issued under section 10 of the said Act, c. 78.

III. And whereas the population of the said County of Perth exceeds twelve thousand, and from its geographical position it is expedient that provision be made for its separation from the said Union without waiting till its population shall be such as is required by the tenth section of the said Act recited in the Preamble to this Act: Be it therefore enacted, That the said County of Perth shall, for all the purposes of the Act last aforesaid, be considered and dealt with as if a Proclamation had issued under the tenth section of the said Act, naming the Town of Stratford as the County Town thereof, and erecting the Townreeves of the said County then elected or thereafter to be elected for the same, into a Provisional Municipal Council for the said County, and declaring such Municipal Council a Provisional Municipal Council for the same under the said Act, until the dissolution of the Union of the said County with the Counties of Huron and Bruce; and the said Townreeves shall accordingly be a Provisional Municipal Council for the said County of Perth, and shall have and exercise all the powers by the said Act vested in any such Provisional Municipal Council.

County Town appointed &c.

A Registry Office to be kept in the County of Perth.

IV. And be it enacted, That when the Union of the said County of Perth and the Counties of Huron and Bruce shall be dissolved in the manner provided by the Act aforesaid, a Registrar shall be appointed for the said County of Perth, and a Registry Office for the Registration of Deeds shall be kept in and for the same at the County Town thereof, in the same manner and under the same provisions as in other Counties in Upper Canada.

Commencement of this Act.

V. And be it enacted, that this Act shall have force and effect upon, from, and after the first day of January, in the year of our Lord one thousand eight hundred and fifty, and not before.

PERTH.

ACT 16 *VIC.*, *CAP.* 31.

An Act to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth, and Bruce, and for other purposes therein mentioned.

Preamble.

Whereas the Townreeves of the County of Perth, one of the United Counties of Huron, Perth and Bruce, have been duly constituted a Provisional Municipal Council for the said County of Perth, in pursuance of the Provisions of the tenth section of an Act of the Parliament of the Province of Canada, passed in the twelfth year of Her

Majesty's Reign, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require;* And whereas the said Provisional Municipal Council has not complied with the terms of the fifteenth section of the said recited Act, in time to enable a Proclamation to be issued under the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth, so as such disunion should take effect on the first day of January next; And whereas there is just reason for believing that such Provisional Municipal Council will make it appear to the satisfaction of the Governor of this Province in Council, prior to the said first day of January next, that the terms of the fifteenth section of the said recited Act have been complied with; And whereas it is expedient to enable the Governor of this Province in Council thereupon to issue a Proclamation under the Great Seal of the Province, declaring the said County of Perth to be disunited from the said United Counties of Huron, Perth and Bruce: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That so soon as the said Provisional Municipal Council of the said County of Perth shall make it appear to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured and such Court House and Gaol is erected, and the proportion of the debt, if any, to be assumed by the said County of Perth, shall have been adjusted or settled as provided by the fifteenth section of the said recited Act, and so soon as such appointments as are mentioned in the seventeenth section of the said recited Act shall have been made, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal of the Province, at any time on or before the thirty-first day of December next after the passing of this Act, to declare the said County of Perth to be disunited from the said united Counties of Huron, Perth and Bruce, upon, from and after the first day of January next after the passing of this Act, and the said County of Perth shall thereupon, and upon, from and after the said first day of January next after the passing of this Act, be, for all judicial and municipal purposes, disunited from

12 Vic., c 78.

Recital.

The Governor may, on being satisfied that certain things have been done, issue a proclamation disuniting the County of Perth from the union of which it now forms part.

the said union of the Counties of Huron, Perth and Bruce, and the union of the said Counties of Huron, Perth and Bruce, for such purposes, shall thereupon, and upon, from and after the said first day of January next, after the passing of this Act, be absolutely dissolved to the like extent, and as effectually as if a Proclamation had been issued in pursuance of the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth from the said union of the Counties of Huron, Perth and Bruce, upon, from and after the said first day of January next.*

PERTH, BRANT AND WATERLOO.

ACT 16 *VIC.*, *CAP.* 81.

An Act making certain provisions relative to the Counties of Perth, Brant and Waterloo.

Preamble.

Whereas the Counties of Perth, Brant and Waterloo in Upper Canada, in the month of January, one thousand eight hundred and fifty-three, were in due form of law disunited from the several unions of Counties with which they had been respectively connected, and it is necessary to make provision for the organising of Division Courts and the selection of Jurors and confirming certain Municipal proceedings in the said Counties respectively: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That the County Court Judges of the said Counties of Perth, Brant and Waterloo respectively, together with one or more Justices of the Peace for each of the said Counties after the passing of this Act, shall hold in their respective Counties a Special Sessions of the Peace, and at such Sessions shall declare and appoint the numbers and limits of divisions for the holding of Division Courts within such Counties respectively; Provided always, that the Justices of the Peace so assembled may do, and perform all such other things as may now by law be done and transacted at a General Quarter Sessions of the Peace in any County in Upper Canada;

County Judges and Justices of the Peace to fix numbers and limits of Division Courts.

Proviso.

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*Proclamation made 1st January, 1853.

Proviso: provision made until such numbers and limits shall be so fixed.

And provided secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said several united Counties, whose limits were within the Counties of Perth, Brant and Waterloo, shall be and be deemed to be from the periods of such disunions Division Courts, known by the numbers then affixed to such divisions of, for and in the said Counties of Perth, Brant and Waterloo respectively, and that all matters and things done since the periods of such disunions by or under the authority or supposed authority of such Division Courts, and until the declaration and appointment of new divisions as aforesaid, shall be deemed and be taken to be as valid and effectual to all intents and purposes as if such divisions for Division Courts respectively had been set apart by the Justices of the several Counties of Perth, Brant and Waterloo in due course of law; and all actions commenced in the said Division Courts before or since the disunion of the said several Counties shall and may be continued to final judgment and execution and the proceedings had thereon shall be, remain and continue proceedings of the said Division Courts of such disunited Counties respectively.

As to pending suits, &c.

As to suits, &c., pending when such new numbers and limits shall take effect.

II. And be it enacted, That whenever the Justices in Special Sessions aforesaid shall declare and appoint the numbers and limits of the said Division Courts in the said Counties of Perth, Brant and Waterloo respectively, all proceedings and judgments had and taken in such Division Courts before the day when such declaration and appointment shall take effect, shall nevertheless be continued and prosecuted, and shall be considered proceedings of and in such of the Division Courts of the said Counties respectively, as the Judge of such County shall order and direct; and the further prosecution of such proceedings and judgments shall be as valid and effectual as if the same had originated in the Courts to which they shall be so transferred, and the said Judge may order and direct the Clerks, Bailiffs and other Officers of the several Division Courts respectively to transfer to the proper Officers all the books, papers and documents of such Division Courts respectively.

As to Jurors for the year 1853.

III. And be it enacted, That the Sheriffs and other Officers within the said Counties of Perth, Brant and Waterloo, whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-three, select and return from among the resident inhabitants of such Counties respectively, the requisite number of persons to serve as jurors within such Counties respectively without reference to the mode prescribed for selecting, balloting or returning Jurors by the Upper Canada Jurors' Acts; Provided that juries *de medietate linguæ*, and juries of a like nature, may be ordered by the

Proviso: Juries *de medietate.*

Proviso: as to selecting Jurors for 1854.

Court before which any cause may be pending: Provided also, that the Courts, selectors of Jurors, Officers and other persons upon whom the law devolves such duties within the said Counties respectively, shall in due course take the necessary steps for selecting Jurors and balloting Jury Lists from which the panels of Jurors for the said Counties respectively, for the year one thousand eight hundred and fifty-four, under the provisions of the Upper Canada Jurors' Acts, are to be taken.

As to Jurors for the unions of 'Huron and Bruce,' 'Wentworth and Halton,' and 'Wellington and Grey.'

IV. And be it enacted, That the Jurors ballotted for at the Courts of General Quarter Sessions of the Peace held in and for the several united Counties of "Huron, Perth and Bruce," "Wentworth, Halton and Brant," "Waterloo, Wellington and Grey," in the month of November one thousand eight hundred and fifty-two, and entered on the Jury Lists accordingly, shall be liable to be summoned and empannelled and to serve on Juries within the now united Counties of "Huron and Perth," "Wentworth and Halton," "Wellington and Grey" respectively," to all intents and purposes as if the said Counties of Perth, Brant and Waterloo had continued united with the said united Counties respectively, and the Sheriffs of the said Counties may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said Counties of Perth, Brant and Waterloo respectively.

As to appointments and elections of Municipal Officers, taxes &c., in Brant and Waterloo. Proviso.

V. And be it enacted, That the appointments and elections of Municipal and other Officers in and for the said Counties of Brant and Waterloo respectively, and the assessments and taxes imposed of whatever kind soever they may be within the said two Counties for the year one thousand eight hundred and fifty-three, shall be taken to be valid and effectual to all intents and purposes; and that such taxes and assessments may be collected, levied and enforced in the same manner as the like taxes and assessments are collected, levied and enforced, in other Municipalities, and when received and paid shall belong to and be held and disposed of for the benefit of the said Counties of Brant and Waterloo respectively; Provided that such appointments, and the imposition of such taxes and assessments would have otherwise been legal but for the disuniting of the said two Counties, as herein mentioned.

ACT 16 VIC., CAP. 218.

An Act to separate the County of Halton from the County of Wentworth.

Preamble. Petition of inhabitants recited.

Whereas a very large number of inhabitants of the County of Halton, the Junior County of the United Counties of Wentworth and Halton, have, by their petition, prayed that the said County of Halton may be set apart as a separate County for judicial and other purposes, without unnecessary delay, and that the County Town of such County may be fixed at the Village of Milton in the said County; and the sense of the said County being in favor of such separation, and the wealth and population thereof being sufficient to warrant the same, it is expedient to make provision to enable the said County to separate from the said County of Wentworth, as soon as the necessary provisions for that purpose shall have been made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That upon, from and after the First day of July, one thousand eight hundred and fifty-three, the Town Reeves and Deputy Town Reeves of the several Townships, Unions of Townships, Villages and Towns, in the said County of Halton, as the same is described and limited in and by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada,* shall form a Provisional Municipal Council for the said County, and shall with respect to the said County, have, possess and exercise all and singular the rights, powers, privileges and duties, conferred, granted or imposed by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require,* upon Provisional Municipal Councils erected by Proclamation under the authority of the said Act, and also all the powers which may be conferred on Provisional Municipal Councils generally by any other Act or Law in force in Upper Canada; and such Provisional Council shall and may,

Provisional Council constituted for Halton,—its powers,

14 & 15 V., c. 5.

12 V., c. 78.

Council may

purchase the necessary property at or near Milton, &c.

so soon as they shall think fit so to do, purchase the necessary property at or near the said Village of Milton, which is hereby declared to be the County Town of the said County of Halton, and proceed to erect the necessary public buildings on such property, and all the provisions of the Act last above cited shall apply to the said Provisional Municipal Council, and to the said County of Halton.

When the Court House and Gaol shall be completed, a Proclamation may issue separating the two Counties from a day to be therein named.

II. And be it enacted, That so soon as the Court House and Gaol of the said County shall be erected and completed at or near the said Village of Milton, according to the provisions of the fifteenth Section of the said lastly in part recited Act, and the other provisions of the said fifteenth Section shall have been complied with by the said County, it shall and may be lawful for the Governor of this Province to appoint the necessary Officers as provided by the seventeenth Section of the said in part recited Act, and by order in Council to issue a Proclamation dissolving the union between the said County of Halton and the said County of Wentworth, from the date to be mentioned in such Proclamation : and all the provisions of the said lastly in part recited Act, or of any other Act or Law of Upper Canada applicable to Counties on and after their being separated from other Counties, shall apply to the said Counties of Wentworth and Halton respectively.

First meeting of Provisional Council.

III. And be it enacted, That the said Provisional Council shall meet at the Village of Milton, in the said County, on the second Tuesday in the month of July next after the passing of this Act, a notice of such meeting shall be inserted in some newspaper published within the said County or in some adjoining County, and a copy of such notice sent by mail or otherwise to each Member of such Provisional Council, at least eight days before the day appointed for such meeting by the Warden of the said United Counties of Wentworth and Halton.

Warden to appoint a temporary President of Council.

IV. And be it enacted, That the said Warden of the United Counties of Wentworth and Halton shall, by a Warrant under his hand and seal, appoint some one of the Town Reeves or Deputy-Town Reeves of the said County of Halton, to preside at the first meeting of such Provisional Municipal Council, until a Provisional Warden shall be elected by such Provisional Municipal Council.

Public Act.

V. And be it enacted, that this Act shall be deemed and taken to be a Public Act.

ACT 16 *VIC.*, *CAP.* 36.

An Act to legalize and continue The Municipal Corporation of the Township of Torbolton.

Preamble.

Whereas there are within the County of Carleton conflicting opinions as to whether the Township of Torbolton, in the said County, is or is not under the provisions of the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine, the Upper Canada Municipal Corporations' Law Amendment Act of one thousand eight hundred and fifty, and the Upper Canada Municipal Coporations' Law Amendment Act of one thousand eight hundred and fifty-one, a lawfully constituted Municipal Corporation by itself; And whereas for divers reasons it is the unanimous wish of the Council of the said County, as set forth in the Petition from said Council to the Provincial Parliament in its present Session, that the said Township of Torbolton, should be legalized and continued and constituted beyond all doubt a Municipal Corporation by itself, enjoying the same rights and performing the same functions as the several other Municipal Corporations of Townships within the said County ; And whereas it is expedient and necessary for the safe government of the said County and of the said Township that all doubts on the above subject should be removed : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Province of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said Township of Torbolton is and shall be and shall have been a Municipal Corporation by itself; and all Acts and Deeds hitherto done by the Municipality of the said Township in their character as such, as also all Acts and Deeds hitherto done whether by the Municipality of the adjoining Township of March as a Municipality, or by the County Council of the County of Carleton, arising from the assumption of Torbolton to Municipal Jurisdiction, shall be held to be as valid and effectual as the Acts and Deeds done by any other Municipality within the same County, not otherwise unlawful ; Provided always, that this Act shall not be pleaded in any suit of Law or in Equity begun or pending before the passing of this Act.

Township of Torbolton declared to be and to have been a Municipal Corporation.

Proviso.

ACT 16 VIC., CAP. 34.

An Act to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations.

Preamble.

Whereas the union of the Townships of East Tilbury and Romney is most inconvenient for the inhabitants of Romney, the two Townships being separated by an extensive marsh, and no mutual local interest existing between them: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the first day of January, one thousand eight hundred and fifty-three, the union of the said Townships shall be dissolved, and each of them shall be a separate Municipality by itself, notwithstanding that either of them may not then have one hundred resident freeholders and householders on the Collector's Roll; and that all the provisions of law in that behalf shall apply to the said Townships, as if they had been separated in consequence of each of them having been found to contain one hundred resident freeholders and householders on the Collector's Roll.

Union dissolved on and after 1st Jan. 1853.

STAMFORD.

ACT 16 VIC., CAP. 35.

An Act to enlarge and extend the powers granted by the Act 12 Vic., chap. 81, so as to enable the Municipal Council of the Township of Stamford, to make By-Laws for the better government of that part of the said Township, which lies in the immediate vicinity of the Falls of Niagara.

Preamble.

Whereas the rapid increase in the number of visitors at the Falls of Niagara, demands more stringent provisions than now by law exist in respect to licensing the owners of horses, carriages, and hackney coaches kept for hire, and of runners and other persons soliciting visitors to resort to taverns or public places, or acting as guides to the objects of curiosity in the vicinity thereof, and for compelling the prompt payment of their lawful charges therefor, and generally for the better government of the said vicinity; And whereas there is reason to believe that the Upper Canada Municipal Corporations' Act of one thousand eight hundred and forty-nine does not confer upon the Municipal Corporation, within whose jurisdiction the said Falls of Niagara are situate, the requisite powers to make such rules and regulations as now are or may be from time to time required for the purposes aforesaid; And whereas it is desirable that such powers should be possessed by the said Corporation: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Municipal Corporation of the Township of Stamford, and they are hereby authorized and empowered, in addition to the powers which they now by law possess, from time to time to make, repeal, alter, and enforce By-laws, rules and regulations, to take and have effect only within such limits within such Township as they shall from time to time prescribe, for the several purposes following, that is to say:

12 Vic. c. 81.

Powers of Municipal Corporation of Stamford extended for certain purposes.

Licensing Tavern Runners.

1. To prohibit any person or persons from soliciting passengers, visitors, or others to resort or go to any inn, tavern, or boarding house, museum, or other place of resort, without having first obtained from the said Corporation a license therefor.

And Guides.

2. To prohibit all persons from acting as guides within such limits as aforesaid, unless a license therefor shall in like manner be taken out for that purpose.

And keepers of livery stables, horses, &c., kept for hire.

3. To regulate and license the owners of livery stables, horses, cabs, hackney coaches, omnibuses, carts, and other carriages and vehicles used for hire within such limits as aforesaid, and to compel in a summary way the prompt payment of the lawful price or hire to the owner or driver of such horses, cabs, hackney coaches, omnibuses, carts and other carriages by the parties hiring or using the same, according to such tariff as may be established from time to time by the said Corporation, and to prevent runners, stage drivers and others, in the streets or public places, from soliciting and teasing passengers and others to go or travel in any boat, vessel, stage, carriage or other vehicle; also to require all persons licensed by the said Corporation to exhibit, when

Preventing, &c., passengers from being importuned

called upon, a certified copy of the tariff of charges for their remuneration prescribed by the said Corporation.

Making By-laws generally.

4. Generally to make, alter and repeal all such other rules, regulations and by-laws for the welfare and good government of the said Municipality, within the limits so to be prescribed as aforesaid, as the said Corporation shall from time to time deem expedient; such by-laws not being repugnant to the laws of the said Province.

Granting licenses

5. To grant all such licenses and to make all such by-laws and regulations as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the corporation of the said Township: Provided always, that no person shall be subject to be fined more than Five Pounds, exclusive of costs, or to be imprisoned more than twenty days, for the breach of any By-law or regulation of the said Corporation made in pursuance of this Act.

Proviso.

How license moneys to be expended.

II. And be it enacted, That the moneys to be raised from the granting of the said licenses shall be expended under the direction of the said Municipal Corporation within the limits so to be prescribed as aforesaid, in repairing the roads and making such other improvements as the said Municipal Council may consider advisable.

KINGSTON AND PITTSBURG ANNEXATION.

ACT 16 VIC., CAP. 222.

An Act to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal and other purposes.

Preamble.

Whereas the Municipal Council of the Township of Pittsburgh have by their Petition to Parliament prayed, that a certain portion of the Township of Kingston, composed of part of the fourth, fifth and sixth Concessions of the last mentioned Township, should be annexed to the Township of Pittsburgh; And whereas it would be of public advantage to grant the prayer of the said Petition, and to make the waters of the Rideau Canal the boundary between the said Townships respectively: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all that portion of the Township of Kingston lying to the East of the Channel of the Rideau Canal shall, for Municipal and all other purposes, be attached to and form part of the Township of Pittsburgh. Part of the Township of Kingston annexed to that of Pittsburg.

II. And be it enacted, That this Act shall be a Public Act. Public Act.

ACT 16 VIC., CAP. 223.

An Act to specify the time when an Act of the present Session, relating to the Townships of Kingston and Pittsburgh, shall come in force.

Whereas by an Act passed in this present Session, intituled, *An Act to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal and other purposes*, it is amongst other things in effect provided, that all that portion of the Township of Kingston, in the said County of Frontenac, in the Province of Canada, lying to the east of the channel of the Rideau Canal, should, for Municipal and all other purposes, be attached to and form part of the Township of Pittsburgh; And whereas the time when the said Act shall come in force is not mentioned therein, and it is desirable that the same should take effect from and after the thirty-first day of December, one thousand eight hundred and fifty-three: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted, by the authority of the same, That the said in part recited Act shall come in force and take effect from and after the thirty-first day of December, one thousand eight hundred and fifty-three, and not before. Preamble. 16 V. c. 222. When the said Act shall take effect.

ACT 16 VICT., CAP. 226.

An Act to divide the Townships of Yonge and Escott in the United Counties of Leeds and Grenville.

Preamble.

Whereas the Townships of Yonge and Escott, in the United Counties of Leeds and Grenville, for some time previous to the tenth day of February, one thousand eight hundred and forty-five, formed one Township, and since that period have been disunited; And whereas divers Inhabitants of the said Townships of Yonge and Escott have represented by their Petition, that on account of the geographical position of the said Townships, much inconvenience is felt in conducting public business, and have prayed that the said Townships may be divided as hereinafter mentioned; And whereas it is desirable to grant the prayer of such Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That upon, from and after the first day of January next after the passing of this Act, the sixth, seventh, eighth, ninth, tenth and eleventh Concessions of the Township of Yonge, and the seventh, eighth, ninth and tenth Concessions of the Township of Escott, shall, for all Municipal and Election purposes, be united together, and form a Township, to be called the "Rear of Yonge and Escott," and that the remainder of the said Townships of Yonge and Escott, together with the Islands in the River St. Lawrence, at present forming part of these Townships, shall, for the like purposes, be together united and form a Township, to be called the "Front of Yonge and Escott."

Rear of Yonge and Escott to form one Township, and Front of Yonge and Escott another.

How the Polls shall be taken in the said new Townships.

II. And be it enacted, That the Polls to be taken for the said Townships respectively, at any Election of a Member or Members to serve for the County or Riding within which the same are situate, in the Legislative Assembly of this Province, shall be held and taken at such place, in the said Townships respectively, as the same would have been held had this Act been passed and in force before and at the time of the introduction into the Parliament of this Province of the Act of the

Parliament thereof, passed during its present Session, intituled, *An Act to enlarge the Representation of the People of this Province in Parliament.* 16 V. c. 152.

III. And be it enacted, That for the purposes of the Municipal Election next after the passing of this Act, the Town Clerk for Escott, shall act as Returning Officer for the Front of Yonge and Escott, and the Town Clerk for Yonge shall act as Returning Officer for the Rear of Yonge and Escott; and that such Town Clerks respectively shall procure for these purposes the necessary copies of so much of the Collectors' Rolls of the present Townships of Yonge and Escott as shall relate to the inhabitants of the said Townships as divided by this Act, and that the present divisions of the said Township of Yonge into Wards, shall, from and after the thirty-first day of December next, be abolished; and the next Municipal Election for the Front of Yonge and Escott, shall be held at Mallorytown, and that for the Rear of the said Townships at Farmersville.

Who shall be Returning Officers at first Municipal Elections in the new Townships.

They shall procure copies of Collectors' Rolls.

Places of Election.

GEORGINA.

ACT 16 *VICT., CAP.* 96.

An Act to separate the Township of Georgina from the County of Ontario, and annex it to the County of York.

Preamble.

Whereas the Inhabitants of the Township of Georgina, in the County of Ontario, have by their petition and by the petition of their Municipality, prayed that the said Township may be disunited from the said County, and may be annexed to the County of York, and it is right and expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Township of Georgina, in the County of Ontario, shall be disunited from the said County, and shall be annexed to and form part of the County of York for all purposes whatsoever.

Township of Georgina annexed to County of York.

II. And whereas the Provisional Municipal Council of the said

Recital.

County of Ontario, has, for the erection of County buildings, contracted a debt, the greater part of which is yet unpaid; And whereas the said Township of Georgina has not been and will not in anywise be benefited by the erection of the said County buildings: Be it therefore enacted, That no part of the said debt shall be charged upon the said Township of Georgina, nor on the said County of York, but shall be wholly borne by the said County of Ontario; any law to the contrary notwithstanding.

A certain debt to be borne wholly by the County of Ontario.

BRIGHTON.

ACT 16 *VICT.*, *CAP.* 31, *SEC.* 2.

The Governor may fix the boundary of the Township of Brighton.

II. And whereas doubts have arisen as to the true boundaries of the Township of Brighton, under the provisions of the Act passed in the last Session of the Parliament of this Province, held in the fourteenth and fifteenth years of the reign of Her Majesty, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada;* For remedy thereof, Be it enacted, That it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, declaring and describing the boundaries of the said Township of Brighton, and from and after the first day of January next after the teste of such Proclamation, the territory included within such boundaries shall be and is hereby declared to have been the Township of Brighton, as if the said description had been included in the said Act.

PARLIAMENTARY REPRESENTATION.

ACT 16 *VICT.*, *CAP.* 152.

An Act to enlarge the Representation of the People of this Province in Parliament.

Preamble.

Whereas the increasing population of this Province, and the necessity of providing for its growing wants and the development of its resources, render it imperative to enlarge the Representation of the People thereof in the Legislative Assembly, and to apportion that representation more fairly, and with this view—to alter the limits of certain Counties and other Electoral divisions—to divide certain Counties into Ridings—to erect certain other Counties—and to adopt other Legislative provisions in the behalf aforesaid: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the end of this present Provincial Parliament, the Counties, Ridings, Cities and Towns, and Unions of Counties hereinafter mentioned, shall be the subdivisions of the Province upon which the Representation of the People thereof shall be based and regulated in the manner hereinafter prescribed, and such subdivisions shall, in so far as they may differ from those now existing for like purposes, be substituted for them as regards Elections of Members of the said Assembly, and all Acts, Laws and provisions of Law now in force, and thereunto relating, and all matters therewith connected: That is to say:*

Counties, Ridings, Cities and Towns hereinafter mentioned to be those on which Representation shall be based after the end of the present Parliament.

UPPER CANADA.

II. And be it enacted, That the several Counties, Cities and Towns in Upper Canada, shall be bounded for the purposes of this Act, as they now are for the purpose of representation, except in so far as it is hereinafter otherwise provided: and that for the purposes of this Act, each of the said Counties shall include all the Towns and Villages within the limits thereof, except such of the said Towns as are specially excepted, or are hereby declared to be Electoral Divisions.

Electoral Divisions of U. C.

Counties.

2. The Counties of Huron and Bruce, and the Counties of Lennox and Addington, shall respectively be united for the purpose of representation; and each such Union of two Counties shall form an Electoral Division.

United Counties.

3. The following Counties shall be divided into Ridings, for the purpose of Representation, and each of such Ridings shall form an Electorial Division.

Counties divided into Ridings.

4. The County of York shall be divided into three Ridings, to be called respectively, the North Riding, the East Riding, and the West Riding:

York.

The North Riding shall consist of the Townships of King, Whitchurch, Georgina, East Gwillimbury and North Gwillimbury;

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* The clauses referring to Lower Canada exclusively, have been omitted here.

The East Riding shall consist of the Townships of Markham, Scarborough, and that portion of the Township of York lying East of Yonge Street and the Village of Yorkville;

The West Riding shall consist of the Townships of Etobicoke, Vaughan, and that portion of the Township of York lying West of Yonge Street.

Middlesex.

5. The County of Middlesex shall be divided into two Ridings, to be called respectively, the East Riding and West Riding:

The East Riding shall consist of the Townships of West Nissouri, North Dorchester, Westminster and London;

The West Riding shall consist of the Townships of Mosa, Eckfrid, Caradoc, Metcalfe, Adelaide, Williams, Lobo and Delaware.

Oxford.

6. The County of Oxford shall be divided into two Ridings, to be called respectively, the North Riding and the South Riding:

The North Riding shall consist of the Townships of East Nissouri, East Zorra, West Zorra, Blandford, Blenheim, and the Town of Woodstock;

The South Riding shall consist of the Townships of North Oxford, West Oxford, East Oxford, Norwich and Dereham.

Hastings.

7. The County of Hastings shall be divided into two Ridings, to be called respectively, the North Riding and the South Riding:

The North Riding shall consist of the Townships of Lake, Tudor, Grimsthorpe, Marmora, Madoc, Elzevir, Rawdon, Huntingdon and Hungerford;

The South Riding shall consist of the Townships of Sidney, Thurlow, Tyendinaga, the Village of Trenton, and the Town of Belleville.

Durham.

8. The County of Durham shall be divided into two Ridings, to be called respectively, the East Riding and the West Riding:

The East Riding shall consist of the Townships of Cavan, Manvers, Hope, and the Town of Port Hope;

The West Riding shall consist of the Townships of Clarke, Darlington and Cartwright.

Northumberland.

9. The County of Northumberland shall be divided into two Ridings, to be called respectively, the East Riding and the West Riding:

The East Riding shall consist of the Townships of Cramahe, Brighton, Murray, Seymour and Percy;

The West Riding shall consist of the Townships of Hamilton, Haldimand, Alnwick, South Monaghan, and the Town of Cobourg.

10. The County of Ontario shall be divided into two Ridings, to be called respectively the North Riding and the South Riding: Ontario.

The North Riding shall consist of the Townships of Reach, Uxbridge, Brock, Scott, Thorah, Mara, Rama, and Scugog;

The South Riding shall consist of the Townships of Whitby, Pickering, and the Village of Oshawa.

11. The County of Wentworth shall be divided into two Ridings, to be called respectively the North Riding and the South Riding: Wentworth.

The North Riding shall consist of the Townships of Beverly, Flamborough East, Flamborough West, and the Town of Dundas;

The South Riding shall consist of the Townships of Saltfleet, Binbrook, Glanford, Barton, and Ancaster.

12. The County of Lanark shall be divided into two Ridings, to be called respectively the North Riding and the South Riding: Lanark.

The North Riding shall consist of the Townships of Sherbrooke North, Dalhousie, Lanark, Ramsay, Lavant, Darling, and Pakenham;

The South Riding shall consist of the Townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Beckwith, Drummond, Bathurst, and the Town of Perth.

13. The County of Simcoe shall be divided into two Ridings, to be called respectively the North Riding and the South Riding: Simcoe.

The North Riding shall consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia, Tiny, Tay, Matchedash, and the Town of Barrie;

The South Riding shall consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Adjala, Tosorontio, Mulmur, and Mono.

14. The Counties of Leeds and Grenville shall be formed into three Ridings, to be called respectively the North Riding of Leeds and Grenville, the South Riding of Leeds, and the South Riding of Grenville: Leeds and Grenville.

The North Riding of Leeds and Grenville shall consist of the Townships of Kitley, Elmsley, Wolford, Oxford, and South Gower;

The South Riding of Leeds shall consist of the Townships of Yonge, Escott, Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, South Crosby, North Crosby, Bastard, and Burgess;

The South Riding of Grenville shall consist of the Townships of Edwardsburgh and Augusta, and the Town of Prescott.

15. The County of Wellington shall be divided into two Ridings, to be called respectively the South Riding and the North Riding: Wellington.

The South Riding shall consist of the Town and Township of Guelph, and the Townships of Puslinch, Eramosa and Erin;

The North Riding shall consist of the Townships of Nichol, Garafraxa, Pilkington, Peel, Arthur, Maryborough, Amaranth, Luther and Minto.

Waterloo.

16. The County of Waterloo shall be divided into two Ridings, to be called respectively, the North Riding and the South Riding:

The North Riding shall consist of the Townships of North Waterloo, (including the Town of Berlin,) Woolwich and Wellesley;

The South Riding shall consist of the Villages of Galt and Preston, and the Townships of South Waterloo, North Dumfries and Wilmot;

Township of Waterloo divided

The present Township of Waterloo being divided, for the purposes of Representation only, into two Townships, to be called respectively the Township of North Waterloo and the Township of South Waterloo: the Township of North Waterloo to include and consist of that part of the present Township of Waterloo lying within the following limits, that is to say: commencing at the south-west angle of lot number forty-six in the said Township; thence easterly along the southerly limits of the said lot, and of the lots numbers forty-seven, forty-eight, fifty, fifty-one, and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said River against the stream to the prolongation of the limits between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said lots numbers one hundred and thirteen and one hundred and fourteen, and along the limits between the said lots numbers one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limits of lot one hundred and seven; thence along the westerly limit of the said lot number one hundred and seven, northerly, to the northerly limits thereof; thence along the northerly limits of the said lot number one hundred and seven and of lots numbers one hundred and six, eighty-four, and ninety-six, easterly, to the easterly boundary of the said Township; thence along the easterly, northerly, and westerly boundaries of the said Township, in a northerly, westerly, and southerly direction respectively, to the place of beginning: and the Township of South Waterloo to include and consist of all the remaining part of the said present Township of Waterloo.

Brant.

17. The County of Brant shall be divided into two Ridings, to be called respectively the East Riding and the West Riding:

The East Riding shall consist of the Townships of South Dumfries, Onondaga, East Brantford, and the Village of Paris;

The West Riding shall consist of the Townships of Burford, Oakland, Tuscarora, West Brantford, and the Town of Brantford.

Township of Brantford divided.

The present Township of Brantford being divided, for the purposes of Representation only, into the Townships of East Brantford and West Brantford: The Township of East Brantford to include and consist of all that portion of the present Township of Brantford which lies on the East side of the Grand River: And the Township of West Brantford to include and consist of all the remainder of the present Township of Brantford.

Elgin.

18. The County of Elgin shall be divided into two Ridings, to be called respectively the East Riding and the West Riding:

The East Riding shall consist of the Townships of Bayham, Malahide, Yarmouth, South Dorchester, and the Village of St. Thomas;

The West Riding shall consist of the Townships of Southwold, Dunwich, and Aldborough.

Counties forming each an Electoral Division.

19. Each of the other Counties in Upper Canada, that is to say, each of the Counties of Carleton, Dundas, Essex, Frontenac, Glengary, Grey, Haldimand, Halton, Kent, Lambton, Lincoln, Norfolk, Peterborough, Peel, Perth, Prescott, Prince Edward, Renfrew, Russell, Stormont, Victoria, and Welland, shall form an Electoral Division.

Special provision as to Townships of Gloucester and Osgoode.

20. Provided always, That the Townships of Gloucestér and Osgoode shall, for the purpose of Representation only, be detached from the County of Carleton and attached to the County of Russell.

Toronto.

21. The City of Toronto shall form an Electoral Division.

Kingston.

22. The City of Kingston shall form an Electoral Division.

Hamilton.

23. The City of Hamilton shall form an Electoral Division.

Brockville.

24. The Town of Brockville shall form an Electoral Division, and shall, for the purpose of Representation only, include, in addition to its present limits, the whole of the Township of Elizabeth-Town, which shall, for the said purpose, be detached from the County of Leeds.

Niagara.

25. The Town of Niagara shall form an Electoral Division, and shall, for the purpose of Representation only, include, in addition to its present limits, the whole of the Township of Niagara, which shall, for the said purpose, be detached from the County of Lincoln.

Cornwall.

26. The Town of Cornwall shall form an Electoral Division, and shall for the purpose of Representation only, include, in addition to its present limits, the whole of the Township of Cornwall, which shall be detached from the County of Stormont.

London.

27. The Town of London shall form an Electoral Division.

Bytown.

28. The Town of Bytown shall form an Electoral Division.

GENERAL PROVISIONS.

Representation of the several Electoral Divisions in L.C.

Counties having one Member each.

III. And be it enacted, That in Lower Canada, the Counties of Gaspé, Bonaventure, Rimouski, Temiscouata, Kamouraska, L'Islet, Montmagny, Bellechasse, Lévis, Dorchester, Beauce, Megantic, Lotbinière, Saguenay, Montmorency, Quebec, Portneuf, Champlain, St. Maurice, Maskinonge, Nicolet, Yamaska, Berthier, Joliette, Montcalm, L'Assomption, Terrebonne, Two-Mountains, Argenteuil, Ottawa, Pontiac, Compton, Stanstead, Shefford, Richelieu, St. Hyacinthe, Rouville, Bagot, Iberville, Verchères, Chambly, Laprairie, St. Johns, Napierville, Chateaugai, Beauharnois, Huntingdon, Soulanges, Vaudreuil, and Laval, shall be represented each by one Member in the Legislative Assembly; the United Counties of Chicoutimi and Tadoussac, by one Member; the United Counties of Drummond and Arthabaska, by one Member; the United Counties of Sherbrooke and Wolfe, by one Member; the East Riding and West Riding of the County of the Missisquoi, and the Hochelaga Riding and the Jacques Cartier Riding of the County of Montreal, each by one Member; the Cities of Quebec and Montreal, each by three members; the Town of Three-Rivers and the Town of Sherbrooke, each by one Member; And that in Upper Canada, the City of Toronto shall be represented in the Legislative Assembly by two Members, and each of the other Electoral Divisions of that portion of the Province by one Member each.

United Counties.

Ridings.

Cities and Towns

Representation in U.C.

Qualification of Electors.

IV. And be it enacted, That the qualifications of persons entitled to vote at Elections of Members in the said Counties, Ridings, Cities, and Towns, shall be those fixed by the laws now in force with regard to Counties, Ridings, Cities, and Towns, respectively, returning Members to the said Legislative Assembly, except in so far as it may be otherwise ordered by this Act, or by any Act to be passed during the present or any future Session; Provided always, that the several Cities and Towns which will, under this Act, have the right to elect a Member or Members to respresent them respectively in the said Legislative Assembly, shall be deemed hereafter not to form part of the Counties or Ridings within the limits whereof they respectively lie, as regards the Election of Members to represent the said Counties or Ridings in the Legislative Assembly; and that no one shall have the right to vote at any such Election for any of the said Counties or Ridings upon lands or tenements or lots of ground lying within the limits of any of the said Cities or Towns respectively, whether there is erected thereon a dwelling-house or not, any law, usage, or custom, to the contrary notwithstanding; but for all purposes, except those of this Act, the said several Cities and Towns shall be deemed to make part of the Counties in which they are respectively situate, in all cases where it is not other-

Proviso: Cities and Towns returning Members not to form, for Electoral purposes, part of the Counties in which they lie.

Qualification of Electors in Townships attached to Town for Electoral purposes.

wise provided by law: Provided also, That where any Parish or part of a Parish, Township or part of a Township, is by this Act made part of any City or Town for the purpose of Representation, although it is not within the limits of such City or Town for other purposes, the qualification of Electors voting at any Election of a Member for such City or Town, on property situate within such Parish or part of a Parish, Township or part of a Township, shall be the same as that required of Electors voting at an Election for a County.

As to Polls, &c., in Townships or parts of Townships made part of Towns in U. C. for Electoral purposes only.

V. And be it enacted, That any Township or part of a Township in Upper Canada, which is by this Act made part of a Town for the purpose of Representation, although not otherwise within the limits thereof, shall, for the purpose of holding any Election of a Member of the Legislative Assembly for such Town, be dealt with (except as aforesaid as to the qualification of Electors) as if it were a Ward of such Town; and if a Poll be demanded and granted at such Election, a Deputy Returning Officer shall be appointed for such Township or part of a Township, and all other proceedings shall be had, as if it were a Ward of such Town, except that the Town Clerk of such Township or part of a Township, or, in case of his absence, sickness, death, or incapacity to act, then the Assessor or Collector thereof, shall be appointed Deputy Returning Officer therefor; and that whenever any Township in Upper Canada is by this Act divided into two Townships, for the purpose of Representation only, then the Town Clerk of the Municipal Township so divided shall be appointed Deputy Returning Officer for that one of the Representation Townships which is first mentioned in this Act, and the Assessor or Collector of such Municipal Township shall be appointed for the other; Provided always, that if in any case in Upper Canada, there be more than one person who may by law be appointed Deputy Returning Officer, then the Returning Officer may appoint either of such persons; and if there be no person who ought to be appointed, or the person who ought to be appointed be absent, or from sickness or otherwise be unable to act, the Returning Officer may appoint such person as he shall think proper to be Returning Officer.

As to Townships divided for representation.

Proviso: as to Deputy Returning Officers in U. C.

Separate Polls to be held for incorporated Towns and Villages in U. C. and for wards in Towns divided into wards.

VI. And be it enacted, That in Upper Canada whenever a Poll shall be demanded and granted at any Election of a Member of the Legislative Assembly for a County or Riding, a separate Poll shall be held for each Incorporated Village or Incorporated Town not divided into Wards, and for the purpose of Representation, lying within such County or Riding, and for each Ward in every Incorporated Town lying within such County for the purpose of Representation, and divided into Wards; and such Village or Town shall not be held for the purpose of Representation to be part of any Township within the local limits whereof it may wholly or partly lie; and the Returning Officer for the County or Riding shall appoint a Deputy Returning Officer for each such Village, Town, or Ward, as aforesaid; Provided always, that in Incorporated Villages and Towns not divided into Wards, the provisions of law relative to Townships shall apply as regards the person to be appointed Returning Officer, and the Clerk of the Village or Town or the Assessor or Collector thereof, or other person, as the case may require, shall be appointed accordingly; but in Towns divided into Wards, any person may be appointed Deputy Returning Officer for any Ward therein; Provided that nothing in this Section shall be construed to affect the qualification of Voters in any such Incorporated Village or Town, save only that in Towns divided into Wards, they shall vote respectively in that Ward in which the property on which they vote shall be wholly or partly situate, and not in any other.

Proviso: as to Returning Officer

Proviso.

As to qualification of voters.

Returning Officers for Ridings in U. C.

VII. And be it enacted, That in each of the Counties in Upper Canada which are by this Act divided into Ridings, the High Sheriff or Registrar of Deeds, who, without this Act, would under the provisions of the second Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards in Upper Canada, and for other purposes relative to Elections*, be the Returning Officer for such County, shall be the Returning Officer for the Riding thereof first named in this Act, and where there shall be a High Sheriff who is Returning Officer for the Riding first named as aforesaid, the Registrar of Deeds for the County shall be *ex officio* the Returning Officer for the Riding secondly named; subject always to the provisions of the second and third Sections of the Act last cited in cases where there shall be more than one person who may, under the provisions of the second Section of the said Act and of this Act, be *ex officio* the Returning Officer for the same place, or where Writs of Election shall issue at the same time or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would be *ex officio* Returning Officer, or when there shall be no person who, under the said provisions, shall be *ex officio* Returning Officer for the place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province or incapacitated from sickness or otherwise from performing the duties of Returning Officer; Provided always, that the High Sheriff of the United Counties of Leeds and Grenville shall be *ex officio* Returning Officer for the North Riding of Leeds and Grenville, the Registrar of Deeds for the County

Act 14 & 15 V., c. 108, cited.

Proviso. as to Ridings formed out of Leeds and Grenville.

of Leeds shall be *ex officio* Returning Officer for the South Riding of Leeds, and the Registrar of Deeds for the County of Grenville shall be *ex officio* Returning Officer for the South Riding of Grenville.

Governor may appoint a Returning Officer in certain cases in L. C.

Present election Laws to apply so far as consistent with this Act.

Returning Officers L. C.

Proviso: where there is more than one Registrar.

VIII. And be it enacted, That for any Electoral Division in Lower Canada, in which there may not be any person authorized to act *ex officio* as Returning Officer at any Election, or in case such person is disqualified by law, or otherwise prevented from acting in that capacity, it shall be lawful for the Governor to appoint a fit and proper person to be such Returning Officer; and at and with respect to any Election for any Electoral Division, whether in Upper or in Lower Canada, and whether the limits thereof may or may not have been altered by this Act, all proceedings shall be had and conducted, and the present laws with regard to Elections followed in so far as they may not be inconsistent with this Act, as if such Divisions and the Sub-Divisions thereof had existed before the passing of this Act, and the coming into force of such laws in relation to Elections; and if in any County or Union of Counties in Lower Canada forming an Electoral Division under this Act, there be any place at which a Registrar of Deeds and Titles is directed to keep his office, such Registrar shall be *ex officio* the Returning Officer for such County or Union of Counties; Provided always, that if in any such County or Union of Counties there be two or more such places as aforesaid, then the Writ of Election may be directed to any one of the Registrars directed to keep their offices in such County or Union of Counties, and the Registrar to whom the same shall have been directed, shall alone act as Returning Officer; with full power to the Governor in any case to appoint a qualified person to be such Returning Officer, if the Registrar is disqualified or incapacitated from performing the duties of Returning Officer.

Electoral divisions made by this Act not to affect divisions for other purposes.

Proviso.

Proviso.

As to Gores, augmentations, &c.

IX. And be it enacted, That the Electoral Divisions of this Province established by this Act, shall have their full and entire effect for all the purposes thereof so soon as it shall come into force, but shall not in any manner affect the Divisions now existing for the purposes of the Administration of Justice, of the Militia, of the Registration of Deeds or other Instruments, of Municipal or local affairs, or of any other matter whatsoever, except only for the purposes of this Act and of the Acts relative to Elections, unless or until it be otherwise provided by the Legislature; Provided always, that any Act or Acts making provision for any of the matters aforesaid may be passed during the present Session of the Provincial Parliament; Provided also, that all Augmentations or Gores of Seigniories, Parishes, Townships or Settlements, and all Towns, Villages or Reserves for the same, not specially mentioned in this Act, shall be considered as forming part of the

County in which the principal portion of such locality, or in the immediate vicinity of which such Town, Village or Reserve, shall be situate, unless such Augmentation, Gore or Settlement, Town, Village or Reserve, shall, under the provisions of this Act, or of any Act or Law of Lower Canada, or of the Act passed in the now last Session, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, form part of some other County or Electoral Division, either as being included therein by name, or according to the boundaries established for the same; and any place mentioned in this Act as constituting a Parish, Township or Village, shall, with its usually acknowledged and known limits, be reputed to be a Parish, Township or Village for all the purposes of this Act, notwithstanding that such place may not have been, under the authority of the law, therefore erected, proclaimed, acknowledged or incorporated as such.

14 & 15 V. c. 5.

Parishes, Townships, &c., mentioned in this Act.

Inconsistent enactments repealed.

X. Provided always, and be it enacted, That the Act of the Legislature of the late Province of Lower Canada, passed in the ninth year of the Reign of King George the Fourth, and intituled, *An Act to make a new and more convenient subdivision of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly, than heretofore;* and so much of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make certain alteration in the Territorial Divisions of Upper Canada*, or of any other Act or Law in force in this Province, or in any part thereof, as may be inconsistent with this Act, shall be superseded and repealed from the time this Act shall come into force and effect.

Act of L. C. 9 G. 4, c. 73.

14 & 15 V. c. 5.

Certain provisions of 12 V. c. 27, s. 66, repealed.

XI. And be it enacted, That the provisions of the present Election law, for holding in certain cases more than two days Polling in the Townships of Waterloo and Wilmot, be and the same are hereby repealed.

Commencement of Act.

XII. And be it enacted, That this Act shall have force and effect from and after the end of the present Provincial Parliament, and not before.

REGISTRATION OF VOTERS' ACT.

ACT 16 VIC., CAP. 153.

An Act to extend the Elective Franchise, and better to define the qualification of Voters in certain Electoral Division, by providing a system for the Registration of Voters.

Preamble.

Whereas it is right to extend the Elective Franchise to certain classes of persons who are now excluded from voting at Elections

Members of the Legislative Assembly of this Province, and to provide for the Registration of persons entitled to vote at such Elections in certain Electoral Divisions, and for that purpose to amend the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof;* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted, by the authority of the same, That the following persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as the holder of any office or otherwise by Law prevented from voting, shall be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province, that is to say:

Certain persons qualified as Electors.

Every male person entered on the then last Assessment Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, as the owner or as the tenant or occupant of real property therein or in the liberties thereof, as bounded for Municipal purposes, of the assessed yearly value of seven pounds and ten shillings or upwards, or who is entered on such last corrected Assessment Roll of any Township, Parish or place, as the owner, tenant or occupant of any real property which is within the limits of any City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of fifty pounds at least, or the yearly value of five pounds or upwards, shall be entitled to vote at any Election of a Member to represent such City or Town as aforesaid.

At Elections for Cities and Towns

Every male person entered on the then last Assessment Roll, revised, corrected and in force in any Parish, Township, Town, Village or place not being within any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, as the owner, tenant or occupant of real property of the assessed actual value of fifty pounds or upwards, or the yearly assessed value of five pounds or upwards, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township, Town,

At Elections for Counties and Ridings.

Village or place is included: subject always to the provisions hereinafter made.

As to partners, joint tenants, &c,

II. And be it enacted, That whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, be entered on such Assessment Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof each of such persons shall be entitled to vote and to be entered on the list of Voters (if any be made for the place in which such property lies,) in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Provincial Parliament the Electoral Division within which such property is situate, if such property had been assessed in his individual name; except that if the property be held by any body corporate, no one of the members thereof shall be thereby entitled to vote or be entered on the list of Voters in respect of such property.

Exceptions as to bodies corporate.

Persons qualified under 12 V. cap. 27, may vote in certain parts of L. C.

III. Provided always, and be it enacted, That in Lower Canada all persons who without this Act would under the Act cited in the Preamble to this Act, be qualified to vote at any Election of a Member, of the Legislative Assembly, in respect of property lying elsewhere than in the City of Quebec or the City of Montreal as bounded for municipal purposes, shall be entitled to vote at such Election, notwithstanding any thing in this Act, but subject to the provisions hereinafter made.

Persons indebted to the Crown for purchase money, &c., of Land, not to be qualified on such Land.

IV. And be it enacted, That no person shall, either under the provisions of this Act, or those of the Act cited in the Preamble to this Act, be held qualified to vote at any such election as aforesaid, as the owner or as the occupant or tenant of any real property, on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown therefor, (except seigniorial rents or dues,) shall be over due and unpaid, or as the owner or occupant of any real property belonging to the Crown and which he shall hold or occupy without authority from the Crown, whatever be the value of such property; and it shall be the duty of the Commissioner of Crown Lands in the month of January in each year, to transmit to the Chamberlain of each City and to the County-Treasurer of each County in Upper Canada, and to the Clerk or Secretary-Treasurer of each City or County Municipality in Lower Canada, a list of all the Lands within the said County, City or County Municipality, granted or leased, or in respect of which a License of Occupation has issued, during the preceding year, and of all ungranted lands of which no person has received permission to take possession, and also of all lands on which any instalment of purchase money or rent or any other sum of

Lists to be furnished by Commissioner of Crown Lands.

money as aforesaid, shall be over due and unpaid; a copy of which list every County-Treasurer and City Chamberlain in Upper Canada, and the Secretary-Treasurer of each County Municipality in Lower Canada, is hereby required to furnish to the Clerk of each Municipality in the County, and to the Clerk of the City, as far as regards lands in his Municipality; and in places where lists of voters are made under this Act, any person disqualified under this section in respect of any property, at the time of the final revision and correction of such list, shall remain disqualified in respect of such property so long as such list shall be in force.

Copies of such List to be furnished to certain officers.

Disqualification under such Lists.

V. And as regards Upper Canada only, Be it enacted—

1. That in any Alphabetical list of parties and property assessed, which by the Assessment Laws in force in Upper Canada, the Clerk of every Municipality may be required to prepare and post up, he shall write *Disqualified* opposite to any parcel of land which may appear from the return of the Commissioner of Crown Lands to be the property of the Crown, on which any payment may be over due, or of which no person has received permission to take possession, and he shall give notice of such disqualification to the party assessed for such Land; and any complaint that any person is disqualified to vote in respect of any Land for the reasons above mentioned, or that any person has been wrongfully returned as so disqualified, shall be decided by the Court of Revision established by Law for the determination of disputed questions of Assessment, and the notices required to be given of such complaints, and the appeal provided to the Judge of the County Court, and all other provisions which may be in force relative to complaints and appeals in disputed questions of Assessment, shall equally apply to complaints and appeals respecting the qualification of Electors for purposes of representation in the Provincial Parliament; Provided always, that it shall at any time before the final revision and correction of such list, be competent to any person upon whose Land any payment was returned by the Commissioner of Crown Lands to be over due, to prove before the Court of Revision or the Judge of the County Court, by a subsequent receipt, that the same has been paid.

Special Provisions as to U. C. only.

Voters disqualified under c. 4, to be so entered on Assessment Rolls.

Complaints against such entry, how made and determined.

Proviso.

2. That the Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment Rolls, forthwith make a correct Alphabetical List of all persons entitled to vote at the Election of a Member of the Provincial Parliament within such Municipality, according to the provisions of this Act, together with the number of the Lot or part of Lot or other description of the real property, in respect of which they are so qualified, and in Cities and Towns the

Alphabetical Lists of Voters to be made after final revision of Assessment Rolls.

Clerks shall make out a separate List for each Ward, of the names with a description of the property of all parties on the Assessment Rolls, who may be entitled to vote in respect of real property situate within such Ward; and if any Municipality shall be partly in one Electoral Division, and partly in another for the purpose of such Election, he shall make out one such Alphabetical List for each such Electoral Division, containing the names with such description of property of all the parties on the Assessment Rolls, who may be entitled to vote in respect of real property situate in each such Electoral Division respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court or before two Justices of the Peace, to the correctness of the List or Lists so by him made out, and he shall keep such certified Lists amongst the records of the Municipality, and shall deliver a duplicate thereof certified as aforesaid to the Registrar of the County within which the said Municipality shall lie, and all such Lists shall be completed and delivered as aforesaid, on or before the First day of September in each year, and no person shall be admitted to vote at any Election of a Member to serve in the Provincial Parliament, unless his name shall appear upon the List then last made and certified, and no question of qualification shall be raised at any such Election except to ascertain whether the party tendering his vote, is the same party intended to be designated in the Alphabetical List aforesaid.

Lists to be attested: and copies delivered to certain officers.

Deputy Returning Officers to be furnished with copies of the proper parts of such Lists.

3. That it shall be the duty of every Returning Officer in Upper Canada, upon receiving a Writ to hold any Election for a Member to serve in the Provincial Parliament, to ascertain that every Deputy Returning Officer is in possession of a certified copy of the then last revised and certified List of Voters within the Municipality or Ward for which he shall be Deputy Returning Officer; and if the Clerk of the Municipality is not the Deputy Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County a copy certified by him to be correct, of the then last List of Voters for such Municipality or Ward filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such election furnished by him to the Government.

Voters on Lists to vote on taking the following oath only.

VII. And be it enacted, That the Deputy Returning Officer at any Election of a Member of the Legislative Assembly in any part of this Province, shall receive the vote of any person whose name he shall find on the proper List of Voters furnished to him as aforesaid, provided such person shall, if required by any Candidate, or the Agent of any

Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer:

The oath.

"You swear (*or* solemnly affirm), that you are (*name of Voter, as* "*entered on the List*,) whose name is entered upon the List of Voters "now shown to you, (*showing the List to the Voter*,) that you are a "subject of Her Majesty by birth (*or* naturalization), that you are of "the full age of twenty-one years, that you have not before voted at "this Election, either at this or any other polling place, and that you "have not received any thing, nor has any thing been promised to you, "either directly or indirectly, in order to induce you to vote at this "Election. So help you God."

And no other oath or affirmation shall be required of any person whose name is entered on any such List of Voters as aforesaid.

Any party may have copies of Lists.

Fee.

VIII. And be it enacted, That it shall also be the duty of the Registrar of any County and the Secretary-Treasurer or Clerk of any Municipality having the custody of the List of Voters of any Municipality or part of Municipality or place, to furnish a certified copy of such Lists then last revised and corrected, to any person who shall require such copy, on being paid for the same by such person at the rate of One Penny for every ten Voters whose names are on such List.

Punishment of Officers dealing fraudulently in respect of such Lists.

IX. And be it enacted, That if the Clerk or Secretary-Treasurer of any Municipality, shall, in making out any certified List of persons entitled to vote at an Election of a Member to serve in the Provincial Parliament, wilfully insert or omit any name which ought not to have been inserted or omitted, or otherwise alter or falsify the same so that it shall not be a correct List of all persons entitled to vote according to the Assessment Rolls, or to the proper List of voters (as the case may be) as finally revised and corrected, and if any Clerk, Secretary-Treasurer, Returning Officer, Deputy-Returning Officer, Registrar, or any other person whose duty it is to deliver copies or have the custody of any certified List of Voters as aforesaid, shall wilfully make any alteration, omission or insertion, or in any way falsify any such certified List or copy, every such person shall be guilty of a misdemeanor, and shall on conviction thereof, be liable to a fine not exceeding Fifty Pounds, or to be imprisoned for a period not exceeding six months, or both, at the discretion of the Court before which he shall be convicted.

Provisions of 12 V. c. 27, inconsistent with this Act repealed.

X. And be it enacted, That upon, from and after the first day of January, one thousand eight hundred and fifty-four, so much of the Act cited in the Preamble to this Act as would require that any other oath than that hereinbefore prescribed, should be taken by any Voter at any Election in Upper Canada, or in the City of Quebec or in the City of Montreal by persons claiming to vote in respect of property lying within either of the said Cities as bounded for Municipal purposes, or by any Voter claiming the right of voting at any Election in any other part of Lower Canada as being entered on any List of Voters as aforesaid, or that the property on which any such Voter claims the right of voting should be of the required value over and above all rents and charges payable out of or affecting the same, or should have been held by such Voters during any certain time previous to the Election, or that any rent should have been paid by such Voter, or that he should have resided in any place during a certain time previous to the Election, or that he be resident in any place at the time of the Election, shall be repealed, together with so much of any other part of the said Act as would qualify as a Voter any person hereby disqualified, or disqualify any person hereby qualified, or as may be in any way inconsistent with this Act, and so much of the Schedule to the said Act as contains or prescribes the forms of oaths to be taken by Voters at any election in Upper Canada, or by persons claiming to vote in respect of property lying within the Cities of Quebec or Montreal bounded as aforesaid; or by any person claiming to vote as being entered on any List of Voters as aforesaid: but Voters claiming to vote in respect of property lying in any other place in Lower Canada and not claiming the right of voting as being entered on any List of Voters as aforesaid, shall require to be qualified in the manner provided by the said Act, and may be required to take any of the oaths of qualification therein prescribed.

And so of Schedules to the said Act.

Voters in L. C. not voting as being on Lists, to take the oaths heretofore used.

Interpretation;

XI. And be it enacted, That all sums of money mentioned in this Act shall be understood to be current money of this Province; and any Assessment Roll or List of Voters shall be understood to be finally revised and corrected, when it shall have been so revised and corrected by the Judge of County Court or Circuit Court or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before; and the Treasurer of a County when mentioned in this Act with reference to Upper Canada shall be held to include the Chamberlain of a City.

Commencement of Act.

XII. And be it enacted, That this Act shall come into force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, as regards the duties imposed by it on Assessors and other Municipal Officers, and the making, revising and correcting of the Lists of Voters, and all things thereunto relating; but its provisions as to the use and effect of the Lists of Voters, shall not apply to any Election for which the first polling-day shall be before the First day of January, one thousand eight hundred and fifty-five.

ACT 16 VIC., CAP. 22.

An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

Preamble.

Whereas it would greatly facilitate the borrowing, upon advantageous terms, of such sums as may be required by any County, City, Town, Township or Village Municipality in Upper Canada, for effecting or aiding in effecting important Works calculated to benefit such County, City, Town, Township or Village, that such sums should be raised by Debentures issued upon the credit of a Consolidated Municipal Loan Fund, under the management of the Provincial Government, instead of being raised upon the separate credit of each indvidual Municipality: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be a Consolidated Municipal Loan Fund of Upper Canada, to consist of all monies which under this Act or any other Act shall be directed to form part of the said Fund; and such Fund shall be managed by the Receiver General, under the direction of the Governor of this Province in Council, and the books and accounts thereof shall be kept in his office.

Consolidated Municipal Loan Fund Established

II. And be it enacted, That it shall be lawful for the Corporation of any County, City, Incorporated Town, Township or Village, by By-law to authorize any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found requisite, to defray the expense of building or improving any gaol or court house for the use of such Municipality, or for acquiring, making, constructing or completing, or assisting in the making, construction or completion of any Rail-road, Canal or Harbour, or for the improvement of any Navigable River, within or without the Municipality, but the acquisition, making or construction whereof will benefit the inhabitants of such County, City, Town, Township or Village, and by such By-law to declare the purposes to which the sum so to be raised shall be applied, and to make such other provisions as may be requisite for ensuring the due application of such

Municipalities may borrow money on the credit of such Fund for certain purposes.

money, and the attainment of the objects contemplated by such By-law; and that it shall be lawful for the Corporation of any City or County by By-law to authorize any sum of money to be raised on the credit of the Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found necessary, to defray the costs of making or improving any Bridge, Macadamized, Gravel or Planked Road, within or without the Municipality, but the making or improving whereof will benefit the inhabitants of such County or City, and by such By-law to declare the purposes to which the sum so to be raised shall be applied and to make such other provisions as may be requisite for ensuring the due application of such money, and the attainment of the objects contemplated by such By-law.

How a Municipality may assist in any undertaking.

1. By any such By-law it may be provided that the assistance of the Municipality shall be granted towards making, constructing, or completing any such Rail-road, Bridge, Macadamized, Gravel or Planked Road, Canal or Harbour, or towards the improvement of any navigable river, either by subscribing on behalf of the Municipality for Stock in any Company incorporated for making, constructing or completing the same, or by loaning money to such Company, or to any Board of Commissioners incorporated for any of the above purposes, in which case the security to be taken from the Company or Board of Commissioners, and the other terms of the loan shall be mentioned in the By-law.

What provisions the By-law must contain.

2. The By-law shall recite that the loan is to be raised under the provisions of this Act, and shall express the term for which the loan is required, which shall not in any case exceed thirty years, nor be less than five years.

Further provisions required in By-law.

3. If the By-law be passed by a County Council, the principal and interest of the loan shall be payable by all the Townships, Towns and Villages in the County, and the County Treasurer shall in each year apportion the amount to be paid by each, according to the amount of property returned upon the Assessment Rolls of such Townships, Towns and Villages respectively, for the financial year next preceding that for which the apportionment is to be made.

To be published before passing.

4. Such By-law, or every material provision thereof, shall be published for the information of the Rate-payers, for at least one month before the final passing thereof, in some newspaper published weekly or oftener, within the territorial jurisdiction of the Municipality, or if there be no such newspaper published within such jurisdiction, then in some newspaper published in the place nearest to such jurisdiction, and also by posting the same up in at least four public places in the Municipality, (and if it be a By-law of a County Council then in each

Municipality in such County) with a notice, signed by the Clerk of the Municipality in the Council of which the By-law originated, signifying that it is a true copy of a By-law which will be taken into consideration by the Council of the Municipality after the expiration of one month from the first publication thereof in such newspaper, (the date of which first publication shall be mentioned in such notice,) and that on some day and at some hour and place, (or if the Meeting be for a County By-law, places,) named in the notice, and which shall have been previously fixed by the said Council, such day not being less than three weeks, nor more than four weeks after such first publication, a General Meeting of the qualified Municipal Electors of the Municipality, (or of the several Municipalities within the County,) will be held for the purpose of considering such By-law, and approving or disapproving the same.

General meetings of electors.

Proceedings at such meeting.

5. On the day and at the hour and place (or places) appointed by such notice as aforesaid, the qualified Municipal Electors, or such of them as choose to attend the Meeting, shall take the said By-law into consideration, and shall approve or disapprove the same; and at such Meeting the Mayor or Reeve of the Municipality in which it is held shall preside, or in his absence some other Member of the Council of such Municipality to be chosen by the Meeting, and the Clerk of such Municipality shall act as Secretary; and it shall be the duty of the said Clerk to have with him the Assessment Rolls of the Municipality then in force, or certified copies thereof: The only question to be determined at such Meeting, shall be whether the majority of the Municipal Electors present thereat, do or do not approve of the said By-law; and when the question has been put, the person presiding shall declare whether in his opinion the majority is for the approval or disapproval of the By-law, and his decision if not forthwith appealed from, shall be final, and it shall forthwith be communicated to the Council of the Municipality which originated the By-law, by a certificate under the hand of the Secretary of the Meeting.

A Poll may be demanded.

6. Any six duly qualified Municipal Electors present at any such Meeting may appeal from the decision of the person presiding, and demand a Poll, and such Poll shall be granted by the person presiding at the Meeting, and shall be immediately taken by him, the Clerk of the Municipality acting as Poll Clerk; each Elector shall then present himself in turn to the person presiding, and shall give his vote "yea" or "nay,"—the word "yea" meaning that he approves the proposed By-law, and the word "nay" that he disapproves the same:—but no person's vote shall be received unless he appears by the Assessment Rolls to be a duly qualified Municipal Elector.

Adjournment of Poll.

7. The person presiding may, if necessary, adjourn the Poll at sunset on the day of meeting, until ten o'clock in the forenoon of the following day, not being a Sunday or statutory holiday, when the Poll shall be continued as on the first day, but shall be closed at sunset of such second day;—it shall be closed at any time on the first or second day if one half-hour shall elapse without a vote being offered.

Close of the Poll.

8. At the close of the Poll the person presiding shall count the "yeas" and the "nays," and ascertain and certify for the information of the Council which originated the By-law, whether the majority is for the approval or the disapproval of the said By-law; and such certificate shall be countersigned by the Clerk of the Municipality acting as Secretary of the Meeting and kept by him, with the Poll List, among the records of his office, and a duplicate thereof transmitted to the County Clerk if the By-law originated with a County Council.

By-law of a County Council.

9. If the By-law to be considered be a By-law of a County Council, the meeting to consider the same, or the poll of the electors, shall not be held for the whole County at one place, but such meeting or poll shall be held in each of the several Municipalities of such County respectively; and the question whether the By-law shall be approved or disapproved, either by the majority of the total number of electors voting "yea" or "nay," in the whole County, or by a majority of votes of Municipalities, approving or disapproving of the same, giving to each Municipality one or two votes, according as it is by Law authorized to return a Reeve or a Reeve and Deputy Reeve to the County Council of such County, in which case each Municipality shall be held to have voted for the approval of the By-law, if the Majority of Electors voting at the Meeting held therein shall have voted "yea," and to have voted for the disapproval thereof if the Majority of such Electors shall have voted "nay," and each such County Council shall make a By-law to provide which of the two modes of decision shall be adopted, and shall also thereby declare the manner in which the decision of each Municipality, or of the electors thereof, shall be made known to the County Clerk.

If disapproved

If approved:

Governor General to approve.

10. If such By-law be disapproved by the majority of the Electors (or of the Municipalities) as aforesaid, the Council shall not proceed to pass the same, but if it be approved by such majority, and afterwards passed by the Council, then such By-law, and all the provisions thereof shall be subject to the approval of the Governor in Council, and shall have no force until such approval shall have been given; but shall not be subject to the special provisions made by the Upper Canada Municipal Corporation's Act of one thousand eight hundred and forty-nine, or by any Act amending the same, concerning By-laws creating debts, or

to any provisions or formalities, except those prescribed by the said Acts with regard to by-laws generally, and those prescribed by this Act; and every such By-law, when submitted to the Governor in Council for his approval, shall contain a recital that it has been approved by a majority of the duly qualified Municipal Electors (or of the Municipalities) of (or in) the Municipality, at a meeting (or meetings) called and held in conformity to the requirements of this Act, and such recital shall for all the purposes of this Act be conclusive proof of the facts therein stated, nor shall any such By-law, or any thing done under it, be invalidated by any error of fact or incorrectness in such recital; but this provision shall not affect the responsibility of those who may have wilfully concurred in any mis-statement of fact in such recital.

Information to be furnished to Governor.

11. Before such By-law shall be approved by the Governor in Council, proof shall be made to his satisfaction, that the By-law was published and notice given as hereinbefore required, and he shall be furnished with a statement certified under oath by the Treasurer of the Municipality, shewing the amount of taxable property therein according to the then last Assessment Roll or Rolls, and a true account of all the debts and liabilities of the Municipality and of its expenditure for every purpose, for the then last year.

Governor in Council may demand further information from Municipality.

III. And be it enacted, That it shall be lawful for the Governor in Council to require from the Municipality by the Council whereof any such By-law shall have been passed, all such documents and information as he may think necessary for ascertaining the expediency or inexpediency of such By-law, or any of the provisions thereof, and the same shall be furnished accordingly by the proper Officers of such Municipality, and no such By-law shall be repealed, amended or altered otherwise than by another By-law approved in like manner by the Governor in Council, and to which all the provisions of this Act shall apply, as to the original By-law.

Receiver General to issue Debentures, &c.

1. So soon as the By-law shall have been approved as aforesaid, it shall be lawful for the Receiver General to raise by loan, by Debentures issued by him upon the credit of the said Consolidated Municipal Loan Fund, a sum of money not exceeding that authorized by such By-law, and to pay over such sum to the Treasurer of the Municipality, or to deliver to him, or to his order, Debentures secured upon the said Fund to a like amount, or to pay part of such sum in money to the Treasurer and to deliver to him Debentures for part; and in any case, he shall enter the amount for which Debentures are issued and delivered, to the Debit of the Municipality as so much due by it to the said Fund:

Where payable and form of.

2. The principal and interest of the Debentures so issued may be made payable at any place within or without this Province in currency,

or in sterling money, or in the currency of the place where they shall be made payable; and such Debentures shall be in such form as the Governor in Council shall direct, subject to the following provisions:

How worded.

3. They shall express upon their face that the Provincial Government undertakes to pay the principal sum mentioned in them and the interest thereon, out of the monies forming part of the said Consolidated Municipal Loan Fund, and out of no other monies or funds whatsoever.

To conform with By-laws.

4. The principal shall be made payable at the time provided by the By-law, and the Debentures shall contain no provisons inconsistent with the By-law by which the loan is authorized, and they shall contain all such provisions as may be necessary to carry out the intentions of such By-law.

Rate of Interest, and terms at which payable.

5. The rate of interest upon them shall in no case exceed six per centum per annum, and such interest shall be made payable half yearly on such days in each year as shall be therein appointed for the purpose; but if any Debenture be issued within the three months next before any such day, then the first interest thereon may be made payable on that one of the half yearly days which shall come next after the expiration of three months from the date of its issue.

To be for even sums.

6. They shall be for even sums of money, and no Debenture shall be for a less sum than twenty-five pounds, or the equivalent thereof.

To contain provisions as to calling it in.

7. They shall contain such conditions as the Governor shall from time to time, by order in Council, direct to be inserted therein, as to the right of the Receiver General to call such Debentures or any of them in for payment before the time therein absolutely appointed for the payment of the principal,—the manner in which they shall be so called in,—and in which it shall be determined which of such Debentures shall be so called in at any time, if they be not all called in at the same time; and no interest shall be payable upon any Debenture which shall have been called in according to such conditions as aforesaid, for any period after the day on which it shall have been required to be presented for payment, which day shall always be one of those on which interest is payable on such Debentures; and this forfeiture of interest in the case last mentioned shall be expressed on the face of the Debenture.

Debentures to be numbered.

8. It shall not be necessary that any Debenture should show upon what By-law or with reference to what Municipality it was issued, but each Debenture shall be distinguished by a number by which it shall be known and referred to.

Exchanging Debentures.

9. The Governor in Council may direct that any such Debentures may, on the application of the holders thereof, be exchanged for another

or others for the same amount of principal, payable absolutely at the same or any later date, and bearing the same or any less rate of interest.

Debentures to be as Government Debentures.

10. The said Debentures shall be held to be debentures issued by the Government of this Province through the Receiver General thereof, within the meaning of the Act to establish freedom of Banking, or any Act amending the same, and of the Act to exempt the several chartered Banks from the tax on their circulation on certain conditions, and shall be available accordingly for all the purposes of the said Acts or either of them, and any monies which are by law directed to be invested by or under the directions of the Governor in Council, may be invested in such Debentures.

Advances to the said Fund from the UpperCanada Building Fund.

IV. And be it enacted, That it shall be lawful for the Governor in Council from time to time, and when it shall be necessary to enable the said Consolidated Municipal Loan Fund, to meet the charges upon it, to direct the Receiver General to advance to the said Fund, out of any unappropriated monies forming part of the Fund arising out of monies levied or to be levied under the authority of the Act past in the session held in the 13th and 14th years of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, and known as the Upper Canada Building Fund, such sum as may be deemed expedient, and in like manner to direct the repayment of such sum from the said Consolidated Municipal Loan Fund to the said Upper Canada Building Fund.

Account to be kept by Receiver General with the Municipality.

V. And be it enacted, That the Receiver General and the Treasurer of the Municipality shall respectively keep a correct account between the Municipality and the said Consolidated Municipal Loan Fund, debiting the Municipality with the principal of each Debenture issued for its purposes, and with the interest thereon as the same becomes due, and any other expenses or liabilities incurred by reason of such Debentures, and crediting it by the sums paid over to the Receiver General to meet such principal and interest, by the proportionate share of the Municipalities in the proceeds of any moneys forming part of the Sinking Fund hereafter mentioned and invested by the Receiver General, and by any other sums received by him on account of the Municipality; and it shall be the duty of the Receiver General, three months before each day in each year in which interest or principal will be payable on the Debentures issued for the purposes of any Municipality, to notify to the Treasurer thereof, by letter sent by Post, the sum which he will, under the provisions of this Act, be required to pay over to the Receiver General by reason of such Debentures, which sum it shall be the duty of such Treasurer to pay over accordingly; but the failure on the part of the Receiver General to give such notice shall not affect the obligation of the Treasurer or of the Municipality, to pay over such sum at the time when it ought to be so paid over.

Payments to be at the rate of 8 per cent. per annum on the Loan, &c.

1. The sum to be so paid at any time by the Treasurer for his Municipality shall be at the rate of eight per centum per annum on the amount of the Debentures issued for the Loan in respect of which the payment is made, for the period to which the payment shall relate, and such further sum as may be payable on the day in question for or on account of the principal of such Debentures, less such sum applicable to the payment of such principal as may then stand at the credit of the Municipality in account with the said Fund: and such payments shall continue to be made until all such Debentures shall be paid off in principal and interest, or until there be a sufficient sum at the credit of the Municipality to pay off the same.

Coupons to be taken as money.

2. If the Treasurer shall have any of such Debentures in his hands as the property of his Municipality, then the proper Coupons for interest on such Debentures may be taken from him by the Receiver General as money.

Sinking Fund constituted: of what it shall consist.

3. The difference between the said rate of eight per cent. and the actual interest payable on the Debentures, and all other monies which shall come into the hands of the Receiver General as part of the said Fund, and shall not be required to pay the interest of Debentures chargeable upon it, shall form a sinking Fund, and shall be from time to time invested by the Receiver General under the direction of the Governor in Council, and the amount thereof shall, with the proceeds of such investment (which shall also form part of the said Sinking Fund) be applied under such direction as aforesaid, to the redemption of Debentures issued on the credit of the said Municipal Loan Fund; and each Municipality shall be credited with a share of the said Sinking Fund equal to the amount of the sums it shall have paid into the same, and with a share of the proceeds of any part of the said Fund invested by the Receiver General proportionate to the sums it shall have paid into the same, and the time during which such sums shall have remained in the said Sinking Fund, and such shares shall be accordingly applied to the redemption of the Debentures issued for the purposes of such Municipality: and each Municipality shall be debited with all sums paid out of the said Sinking Fund on its account.

Share of each Municipality in Sinking Fund.

Certain payments may be made out of it.

4. It shall be lawful for the Receiver General to pay the interest on any Debenture out of the said Sinking Fund, if in any case the other monies at his disposal for the purpose shall be insufficient repaying the amount so paid with interest, to the said Sinking Fund, out of the mo-

nies which would otherwise be applicable to the payment of such interest so soon as the same shall come into his hands.

Securities forming part of it may be sold.

5. It shall be lawful for the Receiver General from time to time to sell, pledge or otherwise dispose of any securities in which any part of the Sinking Fund may have been invested, in case it shall be necessary so to do in order to enable him to pay any sum which is hereby made payable out the said Sinking Fund.

Duty of the Treasurer and Officers of the Municipality after the passing of any such By-law in levying money to meet payments to be made in consequence thereof.

VI. And be it enacted, That whenever a By-law authorizing the raising of money by loan, under this Act, shall have been passed by the Council of any Municipality, and approved by the Governor in Council, the Treasurer of such Municipality shall *ipso facto*, and without requiring any other authority or direction whatever, have full power, and it shall be his duty, before the making out of the ordinary Collectors' Rolls in each year, if the By-law shall then be in force, and if not, then at least three months before the earliest day on which interest can be payable on any Debenture issued under such By-law, to ascertain the highest sum which can be required during the year, to pay the interest (and the principal if any be payable,) on or of Debentures issued or to be issued under such By-law, and to add five per centum thereunto for losses and expenses, and to certify the amount in a notice to the Clerk of the Municipality, or if such Municipality be a County, then to certify to the Clerk of each Township or Incorporated Town or Vilage therein, the portion payable by the same; and it shall be the duty of such Clerk to assess the amount so certified equally upon all the taxable property in his Municipality, and to set down on the ordinary Collectors' Roll for the year, if it shall not have been previously delivered to the Collectors, the amount with which each party or lot is chargeble, under the head of "Loan Rate for (*naming the purpose*)" or "County Loan Rate for (*naming the purpose*)" as the case may be; and if such amount shall be so certified to any such Clerk after the time in any year when the Collectors' Rolls shall have been delivered to the Collectors, then such Clerk shall forthwith make out a special Collectors' Roll for the purpose in the form prescribed for ordinary Collectors' Rolls, so far as such form may be applicable, and shall deliver the same to the Collector: Provided always, that if there be in the hands of the Treasurer at the time of his giving such notice as aforesaid to the Clerk of the Municipality, any monies applicable to the payment of the principal or Interest of the Debentures to which such notices refers, then the Treasurer may deduct such sum from that to which the notice refers before adding the five per cent. thereto; And provided also, that if the purpose for which the loan is raised be such as to produce profit or to yield returns in money to the Municipality,

Proviso.

Proviso.

If the money borrowed be so invested as to produce returns.

or if the money be loaned by it so as to produce interest, or if the capital be reimbursable to the Municipality, then it shall be lawful for the Treasurer and the Mayor, or Head of such Municipality to enter upon the Books of the Corporation, a Certificate signed by them in the form of the Schedule A, setting forth that there ought to be paid to the Municipality during the course of the year, such dividends or profits (*describing them*) or such interest or sums of money (*mentioning the amount*) or both (*as the case may be*) and that the said Treasurer and Mayor have reason to believe and do believe that the sums which will, from the said sources, come into the hands of the Treasurer during the year, will amount to the sum of (*naming it*) and all costs, and to pay over the said sum and costs to the Receiver General, and the said Sheriff shall obey the said Warrant and levy the sums therein mentioned in like manner and within the same delay as he would levy the same if it had been recovered against the Municipality under a judgment of the proper Court of law, and a Writ of Execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the nett proceeds to the Receiver General; and the costs allowed to the said Sheriff for executing the said Warrant shall be the same as those to which he would be entitled for executing a Writ of Execution for a like sum.

Further debt not to be contracted without sanction of Governor in Council.

VIII. And be it enacted, that after any Municipality shall have borrowed any money under this Act, it shall not be lawful for such Municipality to contract any further debt without the consent and approval of the Governor in Council, until all debts contracted by it under this Act, shall be wholly paid off.

Operation of Act.

IX. And be it enacted, That this Act and all the provisions thereof shall extend and apply to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act shall come into force, for the purpose of aiding in the construction of any Railway for the making of which any Company is now incorporated, or shall be under any Act passed or to be passed during the present Session whether such assistance be given by taking Stock in such Company or by loaning money to it, and also to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act comes into force, authorizing the raising of any Loan for the purpose of erecting, repairing or improving any County building or buildings: Provided always, that such Loan shall not have been negociated by the Municipality under such By-law.

Interpretation.

X. And be it enacted, That the word, "Treasurer," in this Act shall include the Chamberlain of any City; the word "Mayor," shall include the Warden of any County, and the official title of any Officer shall include any person by whom his duties may be legally performed; and that this Act shall apply only to Municipalities in Upper Canada.

SCHEDULE A.

CERTIFICATE OF TREASURER OR MAYOR, OR HEAD OF A MUNICIPALITY.

Municipality of the *Township* of

We certify to all whom it may concern, That out of the Loan, raised under the By-law, No. , intituled, "*(Title of By-law,)*" on the credit of the Consolidated Municipal Loan Fund, there has been invested the sum of in shares of the stock of the *Bytown and Prescott Railroad Company, (or as the case may be);* that this Municipality now holds the said shares; that there ought to be paid, dividends thereon during the present year, and that we have reason to believe and do believe that there will be paid into the hands of the Treasurer, as and for such dividends, before the thirty-first day of December now next, the sum of which sum, we think, ought therefore, under the provisions of the Act passed, &c., *(title and date of this Act,)* to be deducted from the sum which ought otherwise now to be raised on the taxable property in this Municipality in order to enable the Treasurer to meet the payments which he is to make to the Receiver General during the present year, on account of the said Loan. Witness our hands this day of 18 .

Signatures,
A. B., Treasurer,
C. D., Mayor.

CONSOL. MUN. LOAN AMENDMENT.

ACT 16 VIC., CHAP. 123.

An Act to explain and amend the Act intituled, An Act to establish a Consolidated Municipal Loan Fund in Upper Canada.

Whereas it was intended that the ninth Section of the Consolidated Municipal Loan Fund Act should apply to By-laws passed or in course of being passed before said Act came into force for the purpose of aiding in the construction of any Railway, or for the improvement of any navigable River or other such work as provided for by the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, con- **Preamble.** **16 V. c. 22.**

stituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the ninth Section of the Act aforesaid shall be held to include any By-law for any of the purposes mentioned in the preamble to this Act which was passed before the said Act came into force, or which has been passed since the said Act came in force, but at the date of such Act was in the course of being passed.

Sect. 9 of the said Act to apply to By-laws then passed or passing.

Copy of such By-law to be sent to Receiver-General.

II. That before any such Municipality shall receive or be entitled to receive any money to be raised under the above recited Act, a true copy of the By-law under which the money is to be raised, together with affidavits of the Treasurer and Clerk of the Municipality verifying the same and such other information as the Governor in Council may require, shall be transmitted to the Receiver General.

If the By-law be approved, certain rates need not be imposed or levied.

III. That if the Governor in Council shall approve of such By-law, it shall not be necessary to impose or levy annually the sum or rate per pound which may have been fixed in such By-law to pay the principal and interest of the Loan, but such sum only shall be levied and collected, as may be necessary under the provisions of the sixth Section of the said in part recited Act, and all proceedings in connection with such Loan and By-law or for the recovery of any sum of money which ought to be paid thereunder, may be had and taken as if the said By-law had been passed for the purpose of raising money under the said in part recited Act and after the same came into force.

All Debentures issued under such By-law to be deposited with Receiver-General, before any new ones shall issue.

IV. That all Debentures which have been or can be issued under the authority of such By-laws as are referred to in the first Section of this Act, shall be deposited with the Receiver General before the Municipality shall be entitled to receive any of the money to be raised under any such By-law, and upon payment by the Municipality of the whole amount which shall be payable in respect of the said Loan, such Debentures shall be cancelled and destroyed in such manner as the Governor in Council shall direct; Provided, always, that the money to be raised under any such By-law shall be paid by the Receiver General only on the joint order of the Head of such Municipality and the President of the Company entitled to receive the same; Provided also, that when any such By-law shall have been passed by the Council of any Union of Counties, and such Union shall at any time be dissolved after the passing of such By-law, the several Counties of which such Union of Counties was composed, shall continue to be liable in respect of the Loan raised under such By-law as fully and effectually to all

Proviso.

Proviso: as to By-laws passed by Unions of Counties.

intents and purposes as if such Union had not been dissolved, and the Sheriff of the Senior County shall have power within every County which at the time of the passing of such By-law formed part of such former Unions of Counties, to levy any rate which he may be required to collect under the seventh Section of the said in part recited Act, in the same manner as if such Union of Counties had not been dissolved; Provided also, that in case of any dissolution of a Union of Counties as aforesaid, the order hereinbefore mentioned shall be signed by the Head of the Municipality of the Senior County of such former Union.

Proviso.

No informality to affect the validity of the By-law when once approved by Governor in Council.

V. And be it enacted, That no informality or irregularity in any such By-law or in the proceedings relative thereto anterior to the passing thereof, shall in any way affect the validity thereof after the Governor in Council shall have approved such By-law, but the order in Council approving such By-law shall be held to cover any such informality or irregularity, and the By-law shall be valid to all intents and purposes, and proceedings may be had for enforcing the payment by the Municipality the Council whereof passed such By-law, and by the inhabitants thereof under the provisions of the Act hereinbefore in part recited, as if the By-law had been passed after the said Act and all the requirements thereof had been complied with in regard to such By-law.

Not to apply when Debentures have been sold, &c.

VI. Nothing herein contained shall be held to authorize the raising of any Loan under the said Act, when such Loan shall have been negociated or the Debentures issued therefor sold to any party before the passing of the said Act.

Act extended to money raised for supplying Gas or Water to any Town.

Or making Plank or macadamized Roads leading to it.

VII. And be it enacted, That it shall be lawful for the Corporation of any Incorporated Town in Upper Canada, to authorise any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum, or so much thereof as may be found requisite, to defray the expense of erecting and maintaining Gas or Water works, or both, within and for the use of such Town, or for constructing or aiding in the construction of any Plank Roads, or Macadamized Roads, the making of which will benefit the inhabitants of such Town, in the same manner and to the same effect and under and subject to the same provisions and the observance of the same formalities as are attached to the raising and appropriation of any sum of money to any other purpose in and by the said Act cited in the preamble to this Act and by this Act.

13 & 14 VIC., CAP. 71.

An Act to enable the Provincial Government to dispose of claims against certain Companies for Loans made to them under the authority of certain Acts of the Parliament of Upper Canada.

Preamble.

Whereas the Government of this Province, or that of the Province of Upper Canada, hath at divers times, under the authority of Acts of the Legislature of Upper Canada, advanced or paid sums of money to or for Companies incorporated for the purpose of constructing canals, railroads, harbours, roads and other works and improvements of a public nature in Upper Canada, and such sums or part thereof, or the interest thereon or part thereof, remain due to the Province, and it is expedient to authorize the Provincial Government to dispose of the claim of the Province for any such sum as aforesaid, to any party who may be willing to purchase the same, and upon such terms as may be agreed upon between the Government and such party: Be it therefore enacted by the Queen's Most Excellent Majesty, &c., That it shall be lawful for the Governor in Council, by any Order in Council to be made for that purpose, to assign, transfer and convey to any Municipal Corporation, Incorporated Company or other party, who may agree to purchase the same, the claim of the Province for any sum of money due from any Company or party, and arising out of any such advance or payment as is mentioned in the preamble to this Act, on such conditions and with such clauses, provisions and limitations as shall be mentioned in such Order in Council, including the undertaking of any third party to become surety for the due payment of the consideration money, and the faithful performance of any conditions therein mentioned; and any such Order in Council shall transfer to and vest in the party therein named for that purpose, all the rights of the Crown in and to the debt or claim thereby intended to be transferred, and shall have effect according to the tenor thereof, as if the clauses, conditions and provisions thereof were inserted in this Act: and a copy of the *Canada Gazette* containing any such Order in Council, or any copy of such Order certified by the Provincial Secretary, shall be evidence thereof, and the consent and agreement of all the parties named therein shall be presumed, unless disputed by such parties, and if disputed, shall be proved by any copy of such Order in Council on which the consent of such parties shall be written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed or agreement of such parties: and any Municipal Corporation in or through whose Municipality any such public work or improvement as is mentioned in the preamble to this Act, may lie or pass, is

Governor in Council may assign claims against companies, and how.

Evidence of such transfer.

Municipal corporations empowered to purchase.

hereby empowered to purchase any claim of the Province upon the same, and to raise by assessment the sum necessary to pay the consideration agreed upon.

CROWN DEBTS ABANDONED.

14 & 15 *VIC.*, *CAP.* 124.

An Act to enable Municipal Corporations in Upper Canada to contract Debts to the Crown, in the purchase of Public Works, without imposing a Special Rate or Tax for the payment of the same.

Preamble.

Whereas the Public Works which have been, or may be hereafter sold or transferred to Municipal Corporations in Upper Canada, yield large sums of money arising from tolls collected on the same, which the said Municipal Corporations may be desirous of applying towards the payment of the instalments of the purchase money of such Works and the interest thereon, as the same shall fall due, instead of being obliged to impose or levy a Special Rate or Tax per annum for payment of the same, and it is therefore desirable that such corporations be at liberty to become debtors to the Crown for the purchase money aforesaid, without levying such Special Rate: Be it therefore enacted, &c., That it shall be lawful for any Municipality or Municipal Corporation in Upper Canada to contract any debt or debts to Her Majesty, her heirs or successors, in the purchase of any of the public roads, harbors, bridges, buildings, or other public works in Upper Canada; and that any such Municipality or other Municipal Corporation may enter into, make and execute, all or any bonds, deeds, covenants, or other securities to Her Majesty, her heirs or successors, which such Municipality or other Municipal Corporation may deem fit for the payment of the amount of the purchase money of any such public work already sold or transferred, or which may be hereafter sold or transferred, or agreed so to be to such Municipality or Municipal Corporation, and for securing the performance and observance of all or any the conditions of sale or transfer; and may also pass and enact all necessary by-laws for any of the purposes aforesaid. And that all such by-laws, debts, bonds, deeds, covenants, or other securities shall be valid and effectual in law, and binding upon such Municipality or other Municipal Corporation to all intents and purposes whatsoever; although no special or other rate per annum be settled or imposed to be levied in each year, as provided in and by the one hundred and seventy-seventh section of an Act of the

Municipal corporations empowered to contract debts to Her Majesty, in the purchase of Public Works.

177 sec. of 12 Vic. c. 12 Am. 14 & 15 Vic. c. 109, sec. 36.

Legislature of this Province, passed in the twelfth year of Her Majesty's reign, intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada.*

Corporation may by By-law settle and impose a special rate per annum.

II. And be it enacted, That it shall, nevertheless, be lawful for any such Municipality or Municipal Corporation, in any By-law to be passed for the creation of any such debts as aforesaid, or for the making or executing any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, her heirs or successors, or in any other by-law to be passed by such Municipality or Municipal Corporation, to settle and impose a special rate per annum, of such amount as such Municipality or Municipal Corporation may deem expedient, over and above and in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the limits of such Municipality or Municipal Corporation, for the payment and discharge of such Debts, Bonds, Covenants, or other Securities, or some part thereof; and that every such By-law shall be valid and effectual and binding upon such Municipality or Municipal Corporation, although the Rate settled or imposed thereby be less than is required by the said one hundred and seventy-seventh section of the last mentioned Statute; and that all and every the provisions of the said Act, or of any other Act passed or to be passed amending, varying, or repealing the same or any part thereof shall, except in so far as they are inconsistent with the previous provisions of this Act, apply and extend to every such By-law, and the moneys raised or to be raised thereby as fully in every respect as such provisions would extend or apply to any By-law enacted by any such Municipality or Municipal Corporation for the creation of any Debt, or the negociation or raising of any loan, as provided in the said one hundred and seventy-seventh section, or to the moneys raised or to be raised thereby.

Provisions of the said Act, how to apply.

TORONTO LOAN.

ACT 16 *VIC., CAP.* 5.

An Act to authorize the City of Toronto to negociate a Loan of One Hundred Thousand Pounds to consolidate a part of the City Debt.

Preamble.

Whereas the City of Toronto have petitioned to be authorized by law to borrow on the Debentures of the said City, a sum not exceeding One Hundred Thousand Pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the City of Toronto, to raise by way of Loan, upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of one hundred thousand pounds of lawful money of Canada.

The City of Toronto may borrow £100,000.

Debentures may be issued.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Toronto, for the time being, to cause to be issued Debentures of the said City of Toronto, under the Corporation Seal of the said City, signed by the Mayor and Countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of one hundred thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

£50,000 to be applied to the redemption of certain notes, &c., of the said City.

III. And be it enacted, That the sum of fifty thousand pounds, part of the said Loan so to be raised as aforesaid, shall be applied by the said City of Toronto in the payment of the promissory notes of the said City now currrent in this Province, and in the redemption of such of the Debentures of the said City of Toronto as were issued prior to the passing of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, and may fall due within the ten years next after the passing of this Act.

The said £50,000 shall be deposited in Bank of Upper Canada, and applicable solely to the said purposes.

IV. And be it enacted, That the funds derived from the negociation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Bank of Upper Canada, at Toronto, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes and debentures in the next preceding section of this Act mentioned.

£50,000 to be applied to the payment of Stocks taken in a certain Railroad.

V. And be it enacted, That the sum of fifty thousand pounds, the remainder of the said Loan so to be raised as aforesaid, shall be applied in payment of ten thousand shares of the capital stock of "The Ontario, Simcoe and Huron Railroad Union Company," lately purchased by the said City of Toronto, under resolution of the Common Council, passed on the twenty-ninth day of July, one thousand eight hundred and fifty-two, in manner herein provided; and it shall be the duty of the Chamberlain of the said City for the time being, (and he is hereby authorized and empowered so to do,) forthwith, with the consent of the holders thereof, to call in such Debentures of the said City of Toronto as may have heretofore been issued under any By-law of the Common Council of the said City, and taken in payment of such stock, and to substitute therefor so much of the funds received on account of the debentures to be issued under this Act as may be necessary for that purpose.

A certain By-law of the Common Council of Toronto may be repealed.

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Toronto, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council, passed on the twenty-eighth day of June, one thousand eight hundred and fifty-two, authorising the levy of a special rate for the purpose of paying and satisfying certain debentures issued or to be issued in aid of the said Ontario, Simcoe and Huron Union Railroad, or payment of the said stock, and that for the payment, satisfaction and discharge of the debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Toronto, in a By-law to be passed authorizing the said Loan of One Hundred Thousand Pounds, and the issuing of the debentures therefor, to impose a special rate per annum over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

A special rate to form a Sinking Fund may be imposed by By-law.

How sums raised by such rate shall be invested, and the dividends or interest thereon applied.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Toronto, from time to time to invest all sums of money raised by special rate for the Sinking Fund, provided in the preceding section, either in the debentures provided by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created by this Act.

By-law to be passed under s. 6, not to be repealed

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act shall not be repealed until the debt created by this Act and interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

until debt created by this Act be paid. Sec. 178 of 12 V. c. 81, shall extend to any By-law passed under this Act.

KINGSTON CONSOLIDATION LOAN.

ACT 16 *VIC.*, *CAP.* 32.

An Act to authorize the City of Kingston to negociate a Loan of Seventy-five Thousand Pounds to consolidate the City Debt, and for other purposes.

Preamble.

Whereas the City of Kingston have petitioned to be authorized by law to borrow on the Debentures of the said City, a sum not exceeding seventy-five thousand pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the corporation of the City of Kingston, to raise by way of Loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of seventy-five thousand pounds of lawful money of Canada.

City of Kingston authorized to borrow £70,000 on Debentures.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Kingston for the time being, to cause to be issued Debentures of the said City, under the Corporation Seal, signed by the Mayor and counter-signed by the Chamberlain of the said City for the time being, in such sums, not exceeding in the whole the said sum of seventy-five thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said Debentures and the interest accruing thereon, shall be made payable

Form of Debentures.

either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Part of the said Loan appropriated to certain purposes.

III. And be it enacted, That so much of the said Loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the said City of Kingston, in the payment of the debt due or to become due on account of the English Loan of twenty thousand pounds sterling; the debt due to the Commercial Bank of the Midland District, amounting to fourteen thousand pounds, currency, or thereabouts, and all such promissory notes, debentures, and other debts as are now due and payable, including the sum of two thousand five hundred pounds hereinafter mentioned; and the remainder of the said loan, after paying off all the debts due by the said City, shall be applied in aid of any Rail-ways and macadamized Roads now or hereafter to be constructed, and leading to or from the City of Kingston, and for no other purpose whatever.

Money raised to be deposited in Commercial Bank until required.

IV. And be it enacted, That the funds derived from the negotiation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Commercial Bank of the Midland District at Kingston, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes, debentures and debts in the next preceding section of this Act mentioned.

£2,500 to be applied to pay for certain Railroad Shares.

V. And be it enacted, That the sum of two thousand five hundred pounds of the said Loan so to be raised as aforesaid, shall be specially applied in payment of one hundred shares in the capital stock of "The Wolfe Island Rail-way and Canal Company," for which debentures have been given under authority of a By-law of the Common Council of the said City, made in that behalf.

Council empowered to repeal a certain By-law.

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Kingston, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council authorizing the same and declaring the levy of a special rate for the payment thereof, and also to repeal a certain other By-law of the said Common Council, if they shall see fit so to do, providing for the issue of debentures to the amount of one thousand pounds, for the improvement of "Division" and other streets, and levying a rate for the said one thousand pounds; and for the payment, satisfaction and

And to impose a

discharge of the debentures issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City, in a By-law to be passed authorizing the said Loan of seventy-five thousand pounds, or any part thereof, and the issuing of the debentures therefor, to impose a special rate per annum to be called, "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent per annum for that purpose.

Special rate to form a Sinking Fund.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Kingston, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in the next preceding section, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and to apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created under this Act.

Sinking Fund how to be invested and managed.

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act, authorizing the said loan of seventy-five thousand pounds, or any part thereof, shall not be repealed until the debt created under this Act and the interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations' Act of Upper Canada shall extend to any By-law passed under this Act.

By-law authorizing the Loan not to be repealed until the loan be paid off.

HAMILTON LOAN ACT.

ACT 16 VIC., CAP. 95.

Act to authorize the City of Hamilton to negociate a Loan of Fifty Thousand Pounds to consolidate the City Debt, and for other purposes.

Whereas the Corporation of the City of Hamilton have petitioned to be authorized by law to borrow on the Debentures of the said City, a sum not exceeding Fifty Thousand Pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legisla-

Preamble.

tive Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Hamilton, to raise by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of Fifty Thousand Pounds of lawful money of Canada.

Corporation may raise £50,000 on Debentures.

Debentures to be issued under the corporate seal.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Hamilton for the time being, to cause to be issued Debentures of the said City, under the Corporation seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of Fifty Thousand Pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said Debentures, and the interest accruing thereon, shall be made payable either in this Province, in Great Britain, or elsewhere, as the said Common Council shall deem expedient or necessary.

Applications of certain portions of the money raised.

III. And be it enacted, That so much of the said Loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the said the Mayor, Aldermen and Commonalty of the said City of Hamilton, in the payment of the Debt due on the Market Ground, amounting to about Seven Thousand Five Hundred Pounds; on the Central School, amounting to about Seven Thousand Five Hundred Pounds; and to the Gore Bank, amounting to about Five Thousand Pounds; and the remainder of the said Loan shall be applied in aid of any public improvements now or hereafter to be erected or constructed in the said City.

Remainder to any public purpose.

Sinking Fund of two per cent. per annum, to be provided.

IV. And be it enacted, That for the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Hamilton, and they are hereby required so to do, in any By-law or By-laws to be passed authorizing the said Loans or either of them and the issuing of the Debentures therefor, to impose a special rate per annum over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such Debentures, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

V. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Hamilton, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in this Act, either in the Debentures provided for by this Act or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and apply all dividends or interest on the said Sinking Fund to the extinction of the Debts created by this Act.

Investment and application of Sinking Fund.

VI. And be it enacted, That any By-law to be passed under this Act shall not be repealed until the Debt or Debts created by this Act and interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth Section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

By-law not to be repealed so long as any debt under it shall remain unpaid, &c.

VII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Hamilton, if they should deem it for the interests of the said City, to raise by way of Loan upon the credit of Debentures similar to those hereinbefore mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a further sum of money not exceeding the sum of Fifty Thousand Pounds of lawful money of Canada, and which last mentioned sum of money shall be applied in payment of two thousand Shares of the Capital Stock of the Great Western Railroad Company, lately purchased by the said City of Hamilton; and the Chamberlain of the said City is hereby authorized and empowered, on receiving instructions so to do from the said Common Council, and with the consent of the holders thereof, to call in such Debentures of the City of Hamilton as may have heretofore been issued under any By-law of the Common Council of the said City, and taken in payment of such Stock, and to substitute therefor so much of the funds received on account of the Debentures to be issued under this Section, as may be necessary for that purpose.

Corporation may in like manner, raise a further sum not exceeding £50,000, to pay for 2000 shares in the Great Western Railway Company.

Debentures under this Act may be substituted for those heretofore issued in payment of the said Stock.

VIII. And be it enacted, That for and notwithstanding any provision, clause, matter or thing, contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Hamilton, after having called in the Debentures described in the next preceding Section, to repeal the By-law of the said Council passed on the twenty-ninth day of August, one thousand eight hundred and fifty, authorizing the levy of a special rate for the purpose of paying and satisfying certain Debentures issued or to be issued, in favor of the said Great Western Railroad Company, or payment of the said Stock.

A certain By-law may be repealed, when the Debentures last mentioned are called in.

Moneys raised under this Act where to be deposited, &c.

IX. And be it enacted, That the funds derived from the negociation of the Debentures to be issued under this Act, shall, when received, be deposited by the Chamberlain of the said City for the time being, in some one or more of the Chartered Banks of this Province, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment of the Debentures, debts and liabilities mentioned in this Act, and to discharge the liabilities that may be incurred in carrying out the improvements contemplated by this Act.

Public Act.

X. And be it enacted, That this Act shall be a public Act.

MUNICIPAL RETURNS.

ACT 16 *VIC.*, *CAP.* 163.

An Act to provide for the making of certain Annual Returns to the Government.

Preamble.

Whereas it is desirable that the public should be in possession of full information respecting the Revenue and Expenditure of the Municipalities, of all Public Institutions and of every branch of the public service within this Province, the sources from whence derived and the objects for which expended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

Clerks of Municipalities in U. C. to make certain Returns to County Clerks.

That it shall be the duty of the Clerk of every Township, Village or Town in Upper Canada, within one week after the first day of January, every year, to make a Return to the Clerk of the County in which such Municipality is situate, of all the particulars respecting his Municipality for the year then last past, contained in the Schedule marked A, appended to this Act.

County Clerks to make Returns to Provincial Secretary.

II. That the Clerk of every County in Upper Canada shall, before the first day of February, prepare and transmit to the Provincial Secretary a Statement of the said particulars respecting all the separate Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole County, and he shall also make at the same time a Return of the same particulars respecting his County, as a separate Municipality.

III. That the Clerk of every City in Upper Canada, and the Secretary, Treasurer or Clerk of the Municipality or Corporation of every County, City, Town, Village, Township or Parish in Lower Canada shall, before the first day of February every year, make a Return to the Provincial Secretary of the same particulars respecting his County, City, Town, Village, Township or Parish.

Clerks of Cities in U. C. and of Municipalities in L. C. to make Returns to Provincial Secretary.

IV. That the proper Officer shall, before the first day of February, in every year, furnish the Provincial Secretary with a Statement for the year then last past of the gross amount received from the Fee Fund in Upper Canada, and of the expenses of the Administration of Justice paid out of the same, together with the excess or deficiency, as the case may be, distinguishing in such Statement the several Cities, Towns, Counties or other Municipalities from and on account of which such sums were received and paid.

Account of U. C. Fee Fund to be furnished to Provincial Secretary.

V. That the proper Officers shall, on or before the first day of February, every year, return to the Provincial Secretary a Statement in the form given in Schedule B., respecting the Jesuits' Estates, and the Common and Grammar School Funds.

Also Returns of Jesuits' Estates Fund, &c.

VI. That the Treasurer of any County in Upper Canada shall be authorized to retain in his hands any moneys payable to any Municipality, if it shall be certified to him by the Clerk of the County that the Clerk of such Municipality has not made the Returns hereinbefore required; and the Receiver General shall be authorized to retain in his hands any moneys payable to any Municipality if it shall be certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the Returns hereinbefore required; and any person hereinbefore required to make any Return by a particular day, who shall fail to make such Return as required, shall be liable to a penalty of not more than Five Pounds, to be paid to the Receiver General for the use of the Province, which penalty may be sued for and recovered by the Crown in any Court of competent jurisdiction.

Penalty on persons failing to make such Returns.

VII. That the Provincial Secretary shall, within ten days after the commencement of every session, lay before both Houses of the Legislature a copy of all the Returns hereinbefore required to be made.

Copies to be laid before Parliament

SCHEDULE A.

Schedule A.

1. Number of persons assessed.
2. Number of acres assessed.

3. Total of rentals of real property.
4. Total of yearly value other than rentals of real property.
5. Total actual value of real property.
6. Total of taxable incomes.
7. Total value of personal property.
8. Total yearly value of personal property.
9. Total amount of assessed value of real and personal property.
10. Total amount of taxes imposed by By-laws of the Municipality.
11. Total amount of taxes imposed by By-laws of the County Council.
12. Total amount of taxes imposed by By-laws of any Provisional County Council.
13. Total amount of Lunatic Asylum or other Provincial tax.
14. Total amount of all taxes as aforesaid.
15. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
16. Total amount of income from licenses.
17. Total amount of income from public works.
18. Total amount of income from shares in incorporated Companies.
19. Total amount of income from all other sources.
20. Total amount of income from all sources.
21. Total expenditure on account of roads and bridges.
22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated Company.
24. Total expenditure on account of schools and education, exclusive of School Trustees' rates.
25. Total expenditure on account of the support of the poor or charitable purposes.
26. Total expenditure on account of Debentures and interest thereon.
27. Total gross expenditure on account of Administration of Justice in all its branches.
28. Amount received from Government on account of Administration of Justice.
29. Total nett expenditure on account of Administration of Justice.
30. Total expenditure on account of salaries, and the expenses of Municipal Government.
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by Debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds.
36. Total value of real property belonging to Municipality.

37. Total value of stock in incorporated Companies owned by Municipality.
38. Total value of debts due to Municipality.
39. Total amount of arrears of taxes.
40. Balance in hands of Treasurer.
41. All other property owned by Municipality.
42. Total assets.

N. B.—Columns 2 to 9 are the headings of the different columns in the Assessment Rolls, and will vary according to the form of the Assessment Rolls required by Law.

SCHEDULE B.

1. The number of acres of land originally granted and date thereof. Schedule B.
2. The number of acres sold, rate per acre and amount.
3. Amount of money received, how and where invested.
4. What amount still due on original sales.
5. The amount of capital producing income, and amount of capital expended without producing income, up to the 31st December, of the then last year.
6. The amount of income for the then last year, from what sources, amount expended and for what purposes, in detail.

RAILROADS.

ACT 13 & 14 VIC., CAP. 72.

An Act to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada."

Preamble. Whereas it is expedient and desirable, with a view to the introduction of British capital and enterprise into this Province, to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and to adapt the same to Rail and Tram Roads, and to enlarge the same so as to enable Companies of Her Majesty's subjects formed in Great Britain or Ireland to take the benefit thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of 12 Vic. c. 84, cited.

the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Province of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several powers and privileges in the said recited Act mentioned, as far as the same may be applicable, shall extend and be considered to apply to roads made of charcoal and to all Railroads or Tram Roads, whether the same shall be constructed of iron or wood or stone or partly of any of the said materials, and also to all companies formed or to be formed in Great Britain or Ireland, whether chartered, registered or otherwise legally constituted.

And extended to rail and tram roads, and to companies in the United Kingdom.

Amount of shares in such companies.

II. And be it enacted, That in any such Company, as shall or may be desirous of acting under the provisions of the said recited Act or this Act, the shares for the purposes of the said Acts, shall be of the same amount as those already mentioned in the charters, deeds of settlement or constitutions of any such Company, instead of the sum of five pounds in the said recited Act mentioned.

Commissioners to be appointed in Upper Canada.

III. And be it enacted, That any such Company in Great Britain or Ireland, desirous of acting under the provisions of the said Acts, or either of them, shall appoint one or more Commissioners in Upper Canada, who shall have the same powers and privileges, and act in the same manner, as if such Commissioners were directors of such Company, duly elected, and acting under the provisions of the said Acts.

One to act as president and treasurer.

IV. And be it enacted, That any one of such Commissioners shall be also considered as the presiding Officer and Treasurer of such Company, for the purposes in the second and fourth sections of the said Act mentioned.

Rail or tram road to be subject to any general railroad Act.

V. And be it enacted, That any rail or tram road to be erected or made under the provisions of this Act, shall be subject to such supervision and control by the Governor and Council of this Province, as well as to rates of toll and charges, as to all other matters relating to such rail or tram road, as shall or may at any time be directed by any statute passed or to be passed for the general supervision and control of Railroads in this Province.

Time for completing any railroad, &c.

VI. And be it enacted, That for and notwithstanding any thing in the twenty-first section of the said recited Act, the time for completing any Rail or Tram road shall be extended to the period of five years.

How suits may be brought against such companies.

VII. And be it enacted, That any suit, action or proceeding, for any cause of action arising under or out of the provisions of this Act, shall and may be brought against any such Company in Great Britain or Ireland by service of any process or proceeding upon any Commissioner of such a Company resident in Upper Canada.

RAILROADS.

ACT 14 & 15 VIC., CAP. 121.

An Act to repeal so much of the Act thirteenth and fourteenth Victoria, Chapter Seventy-two, as relates to the construction of Railways.

Preamble. Whereas it is expedient to repeal so much of the Act hereinafter mentioned, as extends the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada*, to Rail-roads or Tram Roads: Be it therefore enacted, &c., That so much of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, 'An Act 'to authorize the formation of Joint Stock Companies for the con'struction of Roads and other works in Upper Canada,'* as extends the provisions of the Act cited in the Preamble to this Act to Rail-roads or Tram Roads, shall be and is hereby repealed: Provided always, that nothing herein contained shall in any manner interfere or be construed to interfere with the rights that the Brantford and Buffalo Joint Stock Rail-road Corporation, or any person or persons or body corporate may have in any manner legally acquired, under the provisions of the said recited Act, repealed by this Act: Provided also, that nothing contained in this Act, or in any Acts passed during the present session, shall be construed to prevent the said Brantford and Buffalo Joint Stock Rail-way Company, or any other Company organized under the provisions of the Act hereby repealed, from proceeding to carry on its operations or from exercising or enjoying or continuing to exercise or enjoy all or any of the rights, powers and privileges which such Company or Companies might have exercised or enjoyed if the said Act had not been repealed.

12 Vic. c. 84.

Part of 13 & 14 Vic. c. 72, repealed.

Proviso.

Proviso.

Brantford and Buffalo Railroad saved.

ACT 12 VICT., CAP. 5.

An Act for the better management of the Public Debt, Accounts, Revenue and Property.

Governor in Council may arrange for the transfer of certain Public Works to the local authorities.

XII. And be it enacted, That it shall be lawful for the said Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other Local Corporations or Authorities, or with any Company in Lower or Upper Canada, incorporated for the purpose of constructing or holding such works, or works of like nature in the same section of the Province, for the transfer to them of any of the Public Roads, Harbours, Bridges or Public Buildings, which it may be found more convenient to place under the management of such local Authorities or Companies, and on the completion of such arrangements, to grant (and by so granting, to transfer and convey) for ever, or for any term of years, all or any of such Roads, Harbours, Bridges, or Public Buildings, to the District or Municipal Council, or other Local Authority or Company with whom such arrangement may have been made (hereinafter called the Grantee,) and upon such terms and conditions, as may have been agreed upon, and that all monies payable to the Province under the terms of any such grant, shall be carried to the credit of the Sinking Fund and form part thereof.

Transfer to be effected by order in council.

XIII. And be it enacted, That any such grant, as aforesaid, of any of the said Public Works, may be made by order of the Governor in Council, published in the Canada Gazette; and by such Order, any or all of the powers and rights vested in the Crown or in the Governor in Council, or any Officer or department of the Provincial Government, with regard to the Public Work thereby granted, may be granted to and vested in the Grantee to whom the Public Work itself is thereby granted; and such order in Council may contain such conditions, clauses, restrictions and limitations as may be agreed upon as aforesaid, which, as well as all the provisions of such Order in Council, shall (in so far as they shall not be inconsistent with this Act, and shall not purport to grant any right or power which shall not be immediately before the making of such Order in Council vested in the Crown or in the Governor in Council, or in some Officer or Department of the Provincial Government,) have full force and shall be obeyed, as if they had been contained in this Act, and had made part of the enactments thereof; and any such Order in Council may, with the consent of the Grantee, be revoked or amended by any subsequent Order in Council published as aforesaid; and a copy of the Canada Gazette containing

What provisions such order in council may contain.

Revocation or alteration thereof allowed with consent of grantee, &c.

any such Order in Council shall be evidence thereof, and the consent of the Grantee thereto shall be presumed unless disputed by such Grantee, and if disputed, shall be proved by any copy of such Order in Council on which the consent of the Grantee thereto shall be written and attested by such signature or seal, or both, as would be sufficient to make any Deed or Agreement the Deed or Agreement of such Grantee: Provided always, that nothing in this Act or in any Order in Council to be made under it, shall be construed to exempt any person from any punishment or penalty imposed by any Act or Law, or under the authority of any Act or Law, for any offence relative to any Public Work or Works, but so much of any such penalty as would otherwise belong to the Crown, shall, if it be so provided in the Order in Council, belong to the Grantee under such Order, otherwise it shall belong to the Crown, but this shall not prevent the repeal or alteration by the Grantee, of any such penalty imposed by the Governor in Council under the authority of any Act, if the power to repeal or alter the same be transferred in the manner aforesaid to such Grantee, or by the Governor in Council with the consent of the Grantee, if such power be not so transferred.

Evidence of such order.

Proviso as to penalties for offences relative to Public Works.

ROAD COMPANIES' ACT EXTENDED.

13 & 14 VIC., CAP. 14.

An Act to extend the Acts for the formation of Companies for constructing Roads aad other Works, to Companies formed for the purpose of acquiring Public Works of like nature.

Preamble.

Whereas it is expedient to extend the benefit of the Acts hereinafter mentioned, to Companies to be formed for the purpose of acquiring and holding Public Works, or property under the provisions of the Act authorizing the transfer of such Works or property to any such Company or to other parties therein designated: Be it therefore enacted by the Queen's Most Excellent Majesty, &c., That subject to the provisions of this Act, the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and of the Act passed in the year last aforesaid, and intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of macadamized Roads, and of Bridges and other Works of like nature*, shall be and are hereby extended and shall apply to any Company to be formed for the

Act 12 Vic. cap. 56, and 12 Vic. cap. 84, extended to companies formed for purchasing public works under 12 Vic. cap. 5.

purpose of acquiring for ever or for any term of years, any of the Public Roads, Harbours, Bridges or Public Buildings which may be lawfully transferred to any such Company under the Act passed in the year last aforesaid and intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, or for the purpose of so acquiring and of improving or extending (or both) any such Public Work, as fully and effectually as if such purpose were expressly enumerated in the said Acts firstly and secondly mentioned respectively, among the purposes for which Companies may be formed under the same, the form of the instrument of association given in the schedules to the said Acts respectively, being varied so as to express that the Company is formed under one of the said Acts as amended by this Act, and for what purpose it is so formed: Provided always, that notwithstanding any thing in either of the said Acts, no Company to be formed under this Act for the purpose of acquiring any such Public Work as aforesaid (whether with or without the intention of extending the same) shall be liable to be opposed or prevented from acquiring such work or from using and working the same, by any Municipal Council or other party, nor shall the Company be bound to make any report respecting such work to any Municipal authority, nor shall such Municipal authority or the Crown have the right of taking such work at the end of any term of years, but the provisions of the said Acts respectively, as to such opposition and prevention, or to such report, or to the taking of the works and property of the Company by any Municipal authority or by the Crown, shall apply only to the extension of the same beyond the local limits of the work when transferred to the Company; nor shall any of the provisions of the said Acts which shall be inconsistent with any lawful provision or condition in any Order in Council legally made under the Act thirdly mentioned, or with the rights transferred by the same, applying to the Company to which such Order in Council shall relate; but nothing herein contained shall be construed to prevent the reservation in any such Order of the power of taking any such work with or without any such extension, and by the Crown or any Municipal authority, on the terms and conditions therein to be expressed. Provided always, that the thirty-fifth section of the Act first above cited, and thirty-seventh section of the Act secondly above cited shall respectively apply to Roads, Bridges and other Works transferred to any Company and to the Company to whom the same shall have been transferred in relation to such Roads, Bridges and Works.

Proviso: such companies not liable to certain provisions of the said Acts.

Proviso: certain sections of the said Acts to apply.

What shall be the maximum Tolls to be taken

II. And be it enacted, That the Tolls to be taken by any Company to be formed for the purposes aforesaid, on any such Public Work as by any such company.

12 Vic. cap. 4.

Proviso: as to exemptions from Toll.

aforesaid, not being a Road, shall not be regulated by the provisions of the Acts firstly and secondly mentioned, respectively, but the maximum Tolls to be levied on such work by the Company shall be the maximum Tolls which can be lawfully levied on such work under the Act passed in the year last aforesaid and intituled, *An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works, and for other purposes relative to the said Works*, unless some lower maximum be fixed (as it may be) by Order in Council transferring the work to the Company or by some further order amending the same, made with the consent of the Company, and the Tolls to be levied on any Road, or on any extension of such other Public Work shall alone be regulated by the Acts firstly and secondly mentioned respectively in the absence of any special provision for lower rates in the Order in Council as aforesaid: Provided always, that no exemption from Toll on any Road or other Public Work so transferred as aforesaid or on any extension thereof, shall be valid against any Company to be formed under this Act, except such only as can be validly claimed under the Act firstly or secondly mentioned (as the case may be) on works constructed under the authority thereof, unless such exemption from Toll be stipulated (as the case may be) in the Order in Council transferring such Public Work to the Company.

Provisions in favor of parties residing within a certain distance of the limits of any City or incorporated Town.

III. And be it enacted, That it shall always be lawful for any party residing on the line of any Road transferred to any Company or Municipal Corporation under the provisions of this Act and of the Acts therein cited, and within half a mile of the limits of any City or Incorporated Town, to commute with such Company or Municipal Corporation for a certain sum per month to be paid by such party to the Company or Corporation for passing and re-passing through the Toll-gate between the residence of such party and the limits of such City or Town, and in default of agreement such commutation may be fixed by arbitration, each party appointing one arbitrator, and the two arbitrators a third, and the decision of any two of such arbitrators being final, and in default of commutation either by agreement of award of arbitration, such Company or Municipal Corporation shall be entitled to charge such party or his servants and others passing such gate with his carriages or vehicles, horses or cattle, such Tolls only as shall bear the same proportion to the Tolls per mile then charged by the Company or Municipal Corporation to other parties as the distance between the limits of the said City or Town and the residence of the party first aforesaid shall bear to one mile.

Order in Council transferring any public work may

IV. And for avoiding doubts, Be it enacted, That the provisions and conditions of any Order in Council made under the Act thirdly above extend to certain matters.

mentioned, may extend to the mode of adjusting and determining any difference which may arise between the Crown and any Company or Municipal Corporation as to their respective rights under the same, or to the reservation of the right of re-entry by the Crown into possession of any Public Work on the default of such Company or Corporation to perform the conditions agreed upon, and to the vesting in any Sheriff power to give possession of such Public Work to any Public Officer for the Crown, on any warrant under the hand and seal of the Governor to be addressed to such Sheriff, reciting such default and commanding him to give possession to such Officer for the Crown as aforesaid; and that no enactment to be made for the purpose of enforcing the provisions of any such Order in Council as aforesaid, shall be deemed an infringement of the rights of the Company or Municipal Corporation to which it shall relate: but nothing in this section shall prevent the enforcement of the rights of the Crown in any legal manner not inconsistent with the provisions and conditions of any such order in Council as aforesaid.

Proviso: certain powers to be reserved, &c.

V. Provided always, and be it enacted, firstly, That no Road, Bridge, or Public Work shall be transferred to any Company without the reservation of power on the part of the Government to resume the same at any time after the expiration of a period which shall not exceed ten years, on conditions to be embodied in the Order in Council transferring it: and no such Road, Bridge or Public Work shall be sold or leased to any Company for a longer period than ten years: Provided always secondly, That no Road, Bridge or Public Work shall be sold or leased to any Company unless security, real or personal, shall have been given to the satisfaction of the Governor in Council, for an amount equal to ten per centum of the actual value of such Road, Bridge or Public Work in case of sale, or on the estimated value of such work in case of lease, and such security shall be forfeited to the Crown in case of non-compliance with the conditions of such sale or lease: Provided always, thirdly, That in every instance one of the conditions of the sale or lease of any Road, Bridge or Public Work shall be, that such work shall be kept in thorough repair, and that for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such Engineer as shall be appointed to examine the same by the Commissioners of Public Works in this Province.

Proviso: security to be taken.

Proviso: condition that the work shall be kept in complete repair.

PUBLIC WORKS.

ACT 14 *&* 15 *VIC., CAP.* 57.

An Act to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities.

Preamble.

12 V., c. 5, cited

Whereas in and by an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, it is provided, That it shall be lawful for the Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other local Corporations or authorities, for the transfer to them of any of the Public Roads, Harbours, Bridges, or Public Buildings, which it may be found more convenient to place under the management of such District or Municipal Council, or other local authority; And whereas it is doubtful whether, under the provisions of the said Act, any District or Municipal Council, or local Corporation or authority, could acquire any such Public Roads, Harbours, Bridges or Public Buildings, situate beyond and without the limits of such District or Municipal Council, or other local Corporation or authority; And whereas it is expedient to remove such doubt: Be it therefore enacted by the Queen's Most Excellent Majesty, &c., That it shall and may be lawful to and for any Municipal Corporation, or other local corporate body or authority, to contract for, purchase, acquire and hold any such Public Roads, Harbours, Bridges or Public Buildings, which, in and by the said recited Act, could lawfully be disposed of, whether the same be situate within the limits of such Municipal Corporation, or other corporate body or authority, or otherwise; any thing in the said recited Act to the contrary notwithstanding.

Corporations empowered to acquire public roads, &c., beyond limits.

Sec. 2, 3, 4, 5, 6, 7 *and 8th repealed*, 16 *Vic. cap.* 190.

ROADS AND BRIDGES.

ACT 13 *&* 14 *VIC., CHAP.* 15.

An Act to make better provision with regard to the repairing of Roads within the limits of incorporated Cities and Towns, and of Roads and Bridges which having been under the control of the Commissioners of Public Works may hereafter be released from such control.

Preamble.

Whereas it is expedient to remove all doubt on certain points with regard to the Roads and Highways within the limits of the several

Cities and incorporated Towns in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the united Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the right to use as Public Highway all Roads, Streets, and Public Highways within the limits of any City or Incorporated Town in this Province (except in so far as the right of property or other right in the Land occupied by the same Highways may have been expressly reserved by some private party when it was first used as such Road, Street or Highway, and except as to any Concession Road or Side Road within any such City or Town where the persons now in possession, or those under whom they claim may have laid out Streets in such City or Town without any compensation therefor in lieu of such Concession or Side Road,) shall be vested in the Municipal Corporation of such City or Incorporated Town, and such Roads, Streets and Highways shall be maintained and kept in proper repair so long as they shall remain open as such, by and at the cost of such Corporation whether they were originally opened and made by such Corporation, or by the Government of this Province, or of either of the late Provinces of Upper or Lower Canada, or by any other authority or party; and if the Municipal Corporation of any such City or Incorporated Town shall fail to keep in repair any such Road, Street or Highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punished by fine in the discretion of the Court before whom the conviction shall be had; and such Corporation shall be also civily responsible for all damages which may be sustained by any party by reason of such default, provided the action for the recovery of such damages be brought within three months after the same shall have been sustained, but not otherwise.

Roads, &c., in Cities or Towns vested in the Corporation, who shall keep them in repair.

Liability for failure to keep in repair.

II. And be it enacted, That any Public Road or Bridge made, built or repaired at the expense of the Province, and now under the management and control of the Commissioners of Public Works may by Proclamation of the Governor issued by and with the advice and consent of the Executive Council, be declared to be no longer under the management and control of the said Commissioners, and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioners, and no Tolls shall thereafter be levied thereon under the

How roads and Bridges made by the Province, shall be kept in repair, if released from the control of the Commissioners of Public Works.

authority of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works and for other purposes relative to the said Works*, but such Road or Bridge shall be under the control of the Municipal authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law, which are hereby declared to extend and shall apply to such Road or Bridge: Provided always, and be it declared and enacted, That the Bridge over the River Don on the Kingston Road, at the East end of the City of Toronto, and the said Kingston Road east of the said River shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioners of Public Works, or of any party to whom they may transferred by order of the Governor in Council.

12 V. c. 4.

Proviso: as to the Bridge over the river Don at Toronto.

JOINT STOCK ROAD COMPANIES.

ACT 16 *VIC.*, *CAP.* 190.

An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies, for the construction of Roads and other Works in Upper Canada.

Preamble.

Whereas it is expedient to encourage the construction of Plank, Macadamized or Gravelled Roads, and also Bridges, Piers and Wharves, connected therewith, in Upper Canada, by Companies who may be disposed to subscribe the necessary capital for the completion thereof; And whereas the delay and expense incident to obtaining a special Act of Incorporation from the Legislature, for each separate Company, operate as a great discouragement to persons desirous of embarking capital for the formation of such Companies; And whereas several Acts have been passed by the Parliament of this Province for the accomplishment of this purpose, in particular an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada;* also an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to authorize the formation of Joint Stock Companies, for the construc-*

12 V. c. 84.

14 & 15 V. cap 122.

12 V. c. 25.

14 & 15 V. cap. 57.

Acts 12 V. c. 84, 12 V. c. 25, 14 & 15 V. c. 122, and certain sects. of 14 & 15 V. c. 57, repealed.

Also 16 V. c. 4.

Existing Companies continued: how this Act shall apply to them.

Proviso.

tion of Roads and other Works in Upper Canada,' and to extend the provisions thereof, which Acts have been found defective and ambiguous in many of their provisions; And whereas it is expedient that the before mentioned Acts, together with an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to exempt Naval and Military Officers, and others, on duty in Her Majesty's Service, from the payment of Toll upon any Turnpike Road in this Province,* and also the second, third, fourth, fifth, sixth, seventh and eight Sections of an Act passed in the Session held in the fourteenth and fifteenth year of Her Majesty's Reign, intituled, *An Act to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities,* should be repealed, and that a new Act should be passed, placing all Roads, whether constructed by Companies formed under authority of any of the aforesaid Acts, or to be formed under the authority of this Act, or constructed or acquired by Companies or Municipalities by purchase, except as hereinafter provided with regard to Roads having private Acts of incorporation, under one uniform rate of Tolls and set of Rules for their management, so far as practicable: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That the three several Acts hereinbefore first mentioned, and the titles of which have been hereinbefore recited, also the second, third, fourth, fifth, sixth, seventh and eighth Sections of the said Act, intituled, *An Act to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities,* and the Act passed during the present Session, intituled, *An Act to confer certain powers on Municipal Corporations and Companies to take materials to repair Roads,* be, and the same are hereby repealed; but all Companies incorporated under the said Acts or either of them shall subsist, continue and be perpetuated, notwithstanding the repeal of the said Acts, and the said Companies shall be subject to, and may avail themselves of the provisions of this Act as fully and effectually to all intents and purposes as if they had been incorporated under this Act, and in all cases of doubt or ambiguity this Act shall be deemed and taken to be declaratory of the meaning of the said Acts: Provided that this clause shall not affect the rights of any party in any action, suit or proceeding now pending in any Court, but the same shall and may be proceeded with and determined as if this Act had not been passed.

Companies may be formed for the construction of plank and other roads, &c.

II. And be it enacted, That any number of persons, not less than five respectively, may in Upper Canada, in their discretion, form themselves into a Company under the provisions of this Act, for the purpose of constructing and may construct in and along or over any public road or highway, allowance for road, or on, along, or over any land, a road or roads of the kind mentioned in the preamble to this Act, not less than two miles in length, and also any bridge or bridges, pier or piers, wharf or wharves, in Upper Canada; Provided always, that no such Company shall construct any such road or other such works as aforesaid, through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except as hereinafter provided, nor shall any such road be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the County Engineer, for the time being, if there be such officer in the County where the Road or other work is situate or to be constructed, and if there be no such officer, then by some competent Engineer to be appointed by such County Council, for that purpose: And provided also, that no such Company shall be formed under the provisions of this Act, to construct any line of Road, for which a Charter shall have been heretofore obtained, provided the Company which shall have obtained such Charter shall have its stock subscribed, and be in a course of completing the work for which such Charter shall have been obtained within the time limited in that behalf by the Acts hereby repealed, or either or any of them, nor shall any private property be taken, for any other such work as aforesaid, without the consent of the owner, if such owner shall himself commence such work within one year, and shall complete the same within two years, from the time he shall be notified that a Company has been formed for constructing the same, nor shall any property of the Crown be so taken without the approval of the Governor in Council: And provided also, that no such road shall be constructed or pass within the limits of any City, or the liberties thereof, or within the limits of any incorporated Town or Village, except by special permission, under a By-law of such City, Town or Village, to be passed for that purpose: Provided also, that all bridges in the line of road between the termini of any such road, which shall not be within the limits of any City, incorporated Town or Village, shall be deemed part of such road to all intents and purposes whatever, unless specially excepted in the Instrument of association of such Company.

Proviso as to taking property.

Proviso as to lines for which other companies have been chartered.

Private property not to be taken in certain cases.

Proviso as to Cities and Towns

Proviso as to bridges on any road.

Notice to be served on the Head of the Municipality prior to any Company commencing any work.

III. And be it enacted, That no Company to be formed under the provisions of this Act shall commence any work until thirty days after the Directors shall have served a written notice upon the Head of the Municipality in the jurisdiction of which such road or other work shall be intended to pass or to be constructed; and that if the Municipal Council of such locality as aforesaid shall pass any By-law prohibiting, varying or altering any such intended line of road, or the plan of any such other work, such By-law shall have the same force and effect, and be as binding, effectual and obligatory upon all persons whomsoever, and upon any such Company if such Company proceed in the construction of such road or other work, as if the provisions thereof had been inserted in the body of this Act: Provided always, that if no such By-law shall be passed within thirty days after the service shall have been made upon such Head of the Municipality, then the said intended road or other work may be proceeded with without being liable to any interruption or opposition from any source whatever: Provided also, that when any new road shall have been or be opened, or the line of any old road be changed, it shall be lawful for the Municipality having such jurisdiction as aforesaid, to pass a By-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person or persons from whom ground shall have been taken to form such new road, provided it shall not exclude any person residing on or near the line of the old road from a convenient access to the new road.

Municipal Council may by By-law prohibit the work.

Proviso limiting By-law of Municipal Council to first sitting after service of notice.

Proviso as to closing up of old roads, and the disposal of the site thereof.

Companies to be incorporated on certain conditions and the observance of certain forms.

IV. And be it enacted, That before any such road or other work as aforesaid shall be commenced, and in order to afford a sufficient guarantee to the public that such Company is not a fictitious one, and that such road or other work is intended to be proceeded with, such Company shall subscribe a sufficient quantity of stock to amount to a sum adequate in their judgment to the construction of any such road or other work, and execute an Instrument according to the form or to the purport of that contained in the Schedule to this Act marked A; and the said Company, or any one of their number, or the Directors named in the said Instrument, shall pay to the Treasurer of such Company six per cent. upon the amount of the Capital Stock of the Company mentioned in the said Instrument, and shall register such Instrument, together with a Receipt from the Treasurer of such Company for such payment or instalment of six per cent., which registration shall be made by leaving the original Instrument and Receipt with the Registrar of any one County in which such road or other works shall be wholly or partly situated or intended to be made, who shall register the said Instrument and Receipt in a Registry Book to be provided by

Six per cent of Capital to be paid up.

Registration of Instrument of Association and Receipt how made.

each Registrar for that purpose, for which registry he shall be entitled to a fee of Two Shillings and Six Pence, and he shall afterwards retain the said original documents in his custody, and shall be bound to produce the same upon all occasions when legally required to do so by the Directors or Treasurer of the said Company, or otherwise.

Registrar's Fee, &c.

V. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall thenceforth become and be a Chartered and Incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid; and by such name they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, may have a common seal, and the same may make, alter and change at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any land, tenements and hereditaments whatsoever, which may be useful and necessary for the purposes of such Corporation.

General Corporate powers of Company so formed.

VI. And be it enacted, That any such Company, or any other Company heretofore chartered by Act of the Legislature for a like purpose, shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any other such work as aforesaid intended to be constructed by any such Company, and to designate and establish, take, appropriate, have and hold to and for the use of them and their successors, the requisite lands upon the line and within the limits of any such road, or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same, and to dig, take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and also to cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses, as may be necessary for effectually draining or carrying off the water from any such road or other work; and whenever any such road passes through or by any wood or standing timber, to cut down the trees and underwood for one hundred feet on each side of the said road, making compensation therefor as hereinbefore provided; and for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered

Powers of Company to explore the country, and to take land and materials.

Drainage.

Cuttings.

Entry on lands.

to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic, doing no unnecessary damage.

Arbitrators to be appointed in case of owners of property through which the road may pass, &c., disagreeing with the Company as to the Compensation to be paid by the Company.

Mode of computing damages, &c.

Tender of payment of award.

Proviso if the party shall neglect to name an Arbitrator, or Arbitrators cannot agree on a third.

County Judge to appoint.

VII. And be it enacted, That if the owner or owners, occupier or occupiers of any land, over, through or upon which any such Company aforesaid may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall, upon demand made by the Directors of any such Company, neglect or refuse to agree upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of any such Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one Arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another Arbitrator, and for the said two Arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid, and upon such sum being ascertained, due attention being had by the arbitrators, in ascertaining the same, to the benefits to accrue to the party demanding compensation, by the construction of the said road or other such work, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance of such land to the Company or other such document as may be requisite; and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid in such and the like manner as if the conveyance thereof or other document had been executed as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of twenty days after having been notified so to do by the Company, or if the said two Arbitrators do not within the space of twenty days after the appointment of such second Arbitrator agree upon such third Arbitrator, or if any one or more of the said Arbitrators shall refuse or neglect, within the space of ten days after his or their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act as an Arbitrator for the person so neglecting to name an Arbitrator as aforesaid, or to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid; and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid; and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same: Provided, that no road or other such work as aforesaid shall be made so as to encroach upon any building or to pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any inclosed land, without the consent of the owner: Provided also that it shall not be competent for any owner or occupier of land through or along which such road is intended to pass, after a survey of such road is made, to erect any building or to enclose any part of such surveyed land as a yard, or to plant fruit trees thereon, so as to form an orchard, with a view to prevent such Company taking possession of such land.

Award may be made by any two.

Proviso as to gardens, yards, &c.

Proviso: Owner not to inclose, &c., in order to evade this Act.

VIII. And be it enacted, That whenever any lands or grounds, required by any such Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or may be unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unknown or unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named, before proceeding to arbitrate, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to arbitrate, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of a majority of such Arbitrators shall be binding; which said amount so awarded the said

How arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

Award to be paid forthwith.

Award to be registered.

Must state by whom the costs shall be paid.

Proviso: If the Company have offered a sum.

Lands taken to be free of incumbrances.

Company shall pay or cause to be paid to the several parties entitled to the same, when demanded; and also that a record shall be made and signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by the said Arbitrators, or a majority of them; which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situate, and such Company shall thereupon be fully authorized to enter upon and take possession of such lands to and for the uses of the said Company, and to proceed with the construction of their road or other work in, along or over the same; and the Arbitrators shall specify in the award by which of the parties the said costs are to be paid: Provided that in any case of arbitration under this Act, if the Company shall, before the appointment of their Arbitrator, have tendered a sum equal to or greater than that awarded by the Arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, on payment thereof to the party entitled to receive the same: And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

Cases of lands belonging to Indians provided for.

IX. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said Chief Officer for the use of such tribe or body.

Meetings and proceedings of the Arbitrators.

X. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said Arbitrators or a majority of them shall, within thirty days of their appointment, make their award or arbitrement thereupon in writing, which award or arbitrement shall be final as to the amount so in dispute as aforesaid.

If the Directors think it desirable to widen, &c., their works, they may raise a certain amount by loan or the issue of new Stock.

XI. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to widen, extend or alter the projected line of road, to construct any side roads to intersect the original main road, to improve or repair any road by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed, or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to issue debentures, for sums not less in amount than Twenty-five Pounds each, signed by the President and countersigned by the Treasurer of the said Company, not exceeding in amount in the whole one half of their paid up Capital Stock, or to borrow upon security of the said Company, by bond or mortgage of the road and tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their Resolution, a copy whereof, under the hand of the President and seal of the Company, shall be engrossed at the head of the Subscription List to be opened for subscribers; and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President, shall deliver such new list of subscribers to the Registrar having the custody of the original Instrument, who shall attach such new list of subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said Instrument; and all the subscribers thereto, and those who may thereafter enter their names as subscribers thereon, with the consent of such Directors, to be signified by a Resolution of the Board under the hand of the President and seal of the Company, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages to which the original subscribers shall thenceforth be entitled, and as well to the first line of road as to any widening, extension or alteration thereof as aforesaid, and which the said Companies are hereby authorized to widen, make and construct, and which shall thenceforth be considered as part and parcel of the original line; and such additional shares or stock shall and may be called in, demanded and recovered, in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original shares or stock of any such Company.

List of holders of new Stock to be registered: its effect; and obligations and right of such holders of new Stock.

Shares to be £5

XII. And be it enacted, That each share in every such Company each, how transferable, &c.

shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Affairs of the Company to be managed by five Directors.

XIII. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall or may be formed under the provisions of this Act, or which shall have been formed under any of the provisions of the Acts mentioned in the preamble thereof, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act; which By-law shall be published in the newspaper, or one of the newspapers nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks; and the said Directors shall have full power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish such amended By-law in the manner above provided, and any majority of such Directors shall be a *quorum* for the transaction of business; Provided however, that if the Annual Election of Directors for any such Company shall for any cause not take place at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being shall in that case continue to serve until another Election of Directors shall be held and such other election shall in such case be held at such time within one month thereafter, as shall be provided for by any By-law to be passed by the Directors of such Company for that purpose; And provided further, that at any Election of Directors, each Stockholder shall be entitled to one vote for every share he may hold or be possessed of in any such Company, and upon which such Stockholder shall not be in arrear for or upon any call in respect thereof, and that any person being a Stockholder, having paid all calls made, shall be eligible as a Director.

Provisions of By-law touching their election.

Notice of By-law to be published.

Power to amend.

Proviso as to failure to elect Directors at any time.

Proviso: one vote for each share.

Any Stockholder not in arrear may be a Director.

President to be appointed, officers and servants.

XIV. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company.

XV. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment, by death or resignation, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

Vacancies occurring among Directors how to be filled up.

XVI. And be it enacted, That it shall and may be lawful for the Directors of any such Company to call in and demand from the Stockholders of the said Company respectively, all such sum or sums of money by them subscribed at such time and in such payments or instalments (not exceeding ten per cent. at any one time,) as the said Directors shall deem proper, upon notice requiring such payment published for four successive weeks in the newspaper, or one of the newspapers nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company; Provided always, that any person, a Shareholder, neglecting or refusing to pay a rateable share of the calls as aforesaid for the space of three calendar months after the time appointed for payment thereof, shall forfeit his share or shares in the undertaking, and all the profit and benefit thereof, all which forfeitures shall go to the Company for the benefit thereof; Provided also, that no advantage shall be taken of the forfeiture unless the stock shall be declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture shall be incurred; and that any such forfeiture shall be an indemnification to and for any Shareholder so forfeiting, against all actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on such undertaking; Provided also, that the Directors of such Company may sell, either by public auction or private sale, and in such manner and on such terms as to them shall seem meet, any shares so declared to be forfeited in the Capital Stock of the Company, or pledge such forfeited shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company, and that a Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact therein stated and of their purchase by the purchaser, and, with the receipt of the Treasurer

Directors to make calls on Shares.

Proviso: Shares forfeited if calls be not paid within a certain time.

Provided: How forfeiture must be declared.

Proviso.

Sale of forfeited shares.

Transfer to purchaser.

for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books kept or required to be kept by the By-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and that any Shareholder may purchase any shares so sold.

Company may sue for calls instead of forfeiting stock.

XVII. And be it enacted, That any such Company so to be incorporated as aforesaid, or that may have been incorporated previous to the passing of this Act, may in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of stock which such Stockholder may neglect to pay, after public notice of such call shall have been given for two weeks in the newspaper, or one of the newspapers published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company; and that in any action or suit to be brought by any such Company against any Stockholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company, by virtue of this Act.

Allegations in such suit.

Proof in such suit.

XVIII. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the defendant, at the time of making such call was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors, who made such call or any other matter whatever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

Two or more

XIX. And be it enacted, That it shall and may be lawful for any two or more Companies, formed for the construction or purchase of Roads which may intersect or be contiguous to each other, with the consent of the Stockholders representing or holding at least two thirds of the Capital Stock of such Companies respectively, such consent to be expressed by a resolution to that effect, to be adopted at a General Meeting of the Stockholders of each Company respectively, to be called for that purpose, to unite and form one Consolidated Company, by such name and on such terms as to them may seem meet; and upon the adoption of such resolutions respectively, it shall and may be lawful for the Presidents of such respective Companies to execute under the seal of such Companies respectively, an Instrument in the form of the Schedule to this Act annexed marked B., and to deliver or cause the same to be delivered to the Registrar of any one County in which such Roads shall be wholly or partly situated or intended to be made, who shall register the same, in the same manner provided and prescribed by the fourth Section of this Act in respect of the original Instrument of Association of such Companies respectively, or either of them, and that from thenceforth such Companies shall be and form one Consolidated Incorporated Company, by such name, so to be designated in the said Instrument, as aforesaid, with all the powers and subject to all the liabilities of other Companies formed under the provisions of this Act, in the same manner as if such Companies had originally been formed and constituted as one Company only under this Act; and all the roads, estate, property and effects with the rights and privileges of such respective Companies shall thenceforth be vested in and be used and enforced by the said united Company, and the said united Company shall be subject to and responsible for all the debts, contracts and liabilities of the said respective Companies, in the same manner and to the same extent as if the said united Company had originally formed or been composed of one Company, and were not constituted by the union of two or more Companies as herein provided.

Companies may in certain cases unite as one Company, and how.

Registry of Instrument.

Its effect.

Rights and liabilities of Company formed by such union.

Roads or other works and materials for the same vested in companies and their successors.

XX. And be it enacted, That every such road or other work as aforesaid, and all materials which shall from time to time be provided for constructing, building, maintaining, widening, extending or repairing the same, and all toll-houses, gates, and other buildings, constructed and acquired by or at the expense of any Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in such Company, and their successors.

Companies may search for and take materials for making or repairing Roads.

XXI. And be it enacted, That any Municipal Corporation or Company which has already acquired or made, or may hereafter acquire or make, any such Macadamized, Plank or other Road in Upper Canada, shall have the same power and authority to search for and take materials for making and keeping any and all of such roads in repair, as is given by this Act to Road Companies for the construction of roads, and the price or damage to be paid to any person or party for such materials, or for any thing done in pursuance of the powers given thereby, shall if not agreed upon by parties concerned, be settled by arbitration in the manner provided by this Act, for lands or materials taken or required for the original construction of any such road or other work.

Of what materials Roads may be made.

XXII. And be it enacted, That any Company now or hereafter to be formed under the provisions of the Acts recited in the preamble hereof, and of this Act, for the construction of any turnpike road, may in their discretion form the same in part or the whole, either of metal, gravel, timber, charcoal or any other suitable material, for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered Instrument of Incorporation or not.

Municipalities may acquire stock in such Companies.

XXIII. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality through or along the boundary of which any such road shall pass, or in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with and transfer stock in any Company to be formed under authority of this Act, or by any Company heretofore chartered by any Act of the Legislature for the like purpose, and from time to time to direct the Mayor, Reeve, Warden or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such stock, and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other Chief Officer, shall, whether otherwise qualified or not, be deemed a Stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality by their By-laws or otherwise, but voting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay all instalments upon the stock they shall subscribe for, and acquire, out of any moneys belonging to such Municipality and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

Who shall vote on such stock.

Municipalities may raise money to pay for such stock.

Municipalities may loan money to companies;

XXIV. And be it enacted, That it shall always be lawful for the Municipality of any locality, through or along the boundary of which any such road shall pass, or within which any such work as aforesaid shall be constructed, to loan money to the Company authorized to make such road or construct such work, or to any Company heretofore chartered by Act of the Legislature for a like purpose, and out of any moneys belonging to the Municipality and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed on between such Company and the Municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such Municipality, and it shall and may be lawful for such Municipality to issue debentures for the payment of any loan they may think proper to negotiate with any such Company, in the same manner and subject to the same conditions as required by law with regard to the issuing of other debentures.

And issue Debentures.

Companies may sell their works and rights to Municipalities.

XXV. And be it enacted, That it shall be lawful for any Company to be constructed under the authority of this Act, or already constructed under the authority of any Act of the Legislature of this Province, whenever they shall see fit, to sell to any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, and for such Municipal authority to purchase the stock of such Company or any part of the road belonging to such Company, at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised in respect to such road or part of road.

Municipalities may sell Roads, &c., to Companies.

Application of price.

XXVI. And be it enacted, That it shall and may be lawful for any Municipality to sell any work or Macadamized, Plank or other Toll-road which they may have constructed or purchased, or any stock held in any road or other Company, applying the proceeds of such sale to the payment of existing debts contracted for the construction of the same, or for such stock, or if no debt exists for such work, road or stock, then to the general purposes of the Municipality, or otherwise, as they may determine.

Roads, &c., to be completed within a certain period after incorporation of Companies.

XXVII. And be it enacted, That every Company incorporated or to be incorporated as aforesaid, shall be bound and is hereby required to complete each and every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they shall have become incorporated as aforesaid, within two years from the day of their becoming incorporated under this Act, in default whereof they shall forfeit all the corporate and other powers and authority which they shall have in the meantime acquired, and all their corporate powers shall thenceforth cease and determine, unless further time be granted by a By-law of the County or United Counties in which such road or the greatest portion thereof shall be situate; and if such road or extension thereof shall exceed five miles in length, then such Company shall be bound to complete in each and every year after the expiration of the first two years as aforesaid, not less than five miles of such road until the same be entirely finished under pain ot forfeiture of their character and of the corporate powers and authority thereby acquired, so far as concerns the portion of such road which shall remain unfinished, and not otherwise, unless further time be granted as aforesaid.

Penalty for default.

Periods for completion in different cases.

Tolls how to be fixed, paid and levied.

XXVIII. And be it enacted, That it shall and may be lawful for the President and Directors of any such Company from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle, swine, sheep or other animals, driven upon, over and along any such road, or from all persons passing over any bridge with any such carriages or animals as aforesaid, or using any work constructed, made or owned by such Company under and by virtue of the provisions of this Act; Provided always, that so soon as two or more miles of any such road or extension thereof shall have been completed, tolls may be taken therefor, but on no other work shall tolls be taken until the same be completed.

Proviso: When Tolls may be collected.

Limitation of Tolls.

XXIX. And be it enacted, That tolls may be taken by any such Company at each time of passing each gate upon any road constructed or owned by such Company, for any portion of such road on either side or on both sides of the said gate (not being more than five miles) to the next gate or gates on the same road, if any, and not exceeding five miles in the whole, or for the whole of such road, if the length thereof do not exceed five miles, and there be only one gate thereon, at the following rates, that is to say; for every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one penny per mile; and for every additional horse or other beast drawing any such vehicle, one half-penny per mile; for every horse and rider, one half-penny per mile; for every one horse one half-penny per mile; for each head of neat cattle, one half-penny; for every score or number less than a score, of sheep or swine, one half penny per mile; Provided always, that any Company shall have full power and liberty to charge over and above these rates the sum of one half penny for every one hundred pounds, over and above four thousand, each loaded vehicle may weigh; and also, that every vehicle loaded with masts, spars, hewn or round timber or otherwise, exceeding in weight two tons, shall, when loaded, at each time of passing each gate, pay for each ton over and above two tons, the sum of two shillings and six pence currency, and all vehicles with wheels, used for the above purpose, shall have not less than five inch tires, under penalty of paying double the amount of toll above provided; Provided also, that whenever any road to be constructed under the authority of this Act, or a road already constructed under the authority of any Act of the Legislature of this Province, shall intersect a road constructed or owned by another chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected; Provided it shall be incumbent on such persons to produce a ticket from the last Toll-gate on the intersecting road as evidence of their having tavelled only from such intersection.

Width of tires of wheels.

Proviso: When any such Road intersects another

Proviso.

XXX. And be it enacted, That it shall be lawful for any Company incorporated under this Act or any of the Acts hereby repealed, with the sanction of the Municipal Council of the County or of the Counties having jurisdiction in the locality, to charge a higher rate of toll than is hereby authorized, at any toll-gate to be erected at any bridge upon or connected with any road constructed or to be constructed by it; and such Municipal Council, in sanctioning such additional toll, may take into account the cost of such bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure; and such tolls shall be collected in the same manner, and persons evading the same shall be liable to the same penalties as is herein provided with respect to other tolls.

Tolls at bridges may, with consent of Municipal Council, exceed the said rates.

XXXI. And be it enacted, That every such Company shall have full power and authority to erect such number of toll-gates, check-gates, and side-bars in, along or across the said roads, and upon any other such work respectively, and fix, regulate and collect such tolls not exceeding the rates hereinafter provided, to be collected at each gate, check-gate, or side-bar, as they may deem fit and expedient, (which tolls, toll-gates, check-gates and side-bars may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as may seem necessary and convenient for the due management of the business of every such Company respectively: Provided

Companies authorized to erect toll and check-gates, &c., and to fix the rates of Tolls to be collected thereat.

Proviso: as to vehicles merely crossing a Road.

always, that no tolls shall be taken for merely crossing any road, or for travelling thereon in crossing from one transverse road to another, when the distance between such transverse roads shall not exceed one hundred yards.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

XXXII. And be it enacted, That where any such Company shall deem it necessary or convenient to erect a check-gate on any part of such road, it shall not be competent for them to demand toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate and *vice versa*; neither shall the distance regulating the rates of toll be calculated between any of the check-gates and the principal gates on such roads, but only between the principal gates themselves.

Directors may commute for tolls.

XXXIII. And be it enacted, That the Directors of any Road Company shall and may, from time to time, if they shall see fit, commute with any person whose place of abode shall adjoin or be within half a mile of the gate nearest to his place of abode on such road.

Proceedings to be taken when Roads become dangerous from want of repair.

XXXIV. And be it enacted, That after any road or portion of a road, bridge or other such work as aforesaid, constructed or acquired by any Company or Municipality under the authority of this Act, or of any previous Act of the Parliament of this Province, shall have been completed, and tolls established thereon, it shall be the duty of the Company or Municipality to keep the same in good and efficient repair; and whenever any such Company or Municipality shall suffer any portion of their road, on which tolls shall have been taken as aforesaid, to go to decay or get out of repair, it shall and may be lawful for the Judge of the County Court in the County in which such road is situated, upon the requisition of twelve freeholders, residing within such County, stating that such road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to direct the engineer for the County, and if there be no such County officer, then any competent engineer, to examine the said road; and it shall be the duty of such engineer, so appointed, upon receiving such directions, immediately to inspect and examine the same, and if upon examination the road shall be found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, then he shall notify the President of the Company or Head of the Municipality to whom the road may belong, by leaving a written notice with any of the keepers of the toll-gates belonging to such Company or Municipality, stating, that in pursuance of directions from the Judge of the County Court, he has inspected their road and found it to be out of repair, and requiring them to take

Engineer to examine the Road.

His report.

Notice to Company if the Road be out of repair.

notice thereof, and cause the same to be repaired within a certain limited time to be named in such notice, and which time shall be such as in the opinion of the engineer will be ample and sufficient for making the required repairs.

Tolls not to be collected after a certain period, until repairs are made.

XXXV. And be it enacted, That if the Directors of the Company or Municipal Council, after the service of the notice in the manner set forth in the preceding Section, shall refuse or neglect to repair the road, in a good and efficient manner, within the period limited in the said notice, then, from and after the expiration of such period, until such repairs shall be completed, it shall and may be lawful for the Directors of such Company or such Municipal Council, or any person authorized by them, to ask, demand or receive any toll from any person passing through the nearest toll-gates on either side of the portion or portions of road so reported to be out of repair, with or without any beast or vehicle on such road, any thing hereinbefore contained to the contrary notwithstanding.

Penalty for taking toll when the Road is out of repair.

XXXVI. And be it enacted, That if any person acting as a Keeper of a toll-gate, on a road belonging to any such Company or Municipality which shall have neglected or refused to make the necessary repairs within the period limited in the written notice before mentioned, shall, after the expiration of such period, and before the required repairs shall have been completed, ask, demand or receive any toll, from any person travelling with or without any beast or vehicle, along such road, at the nearest toll-gate on either side of the portion or portions of road so reported to be out of repair, or shall refuse to allow them to pass through such toll-gates without payment thereof, such person shall, upon conviction before any Justice of the Peace for the County in which such toll-gate or toll-gates shall be situated, upon the oath of one credible witness, forfeit and pay a sum of not less than Five Shillings, nor more than One Pound, for every such offence; to be collected or inforced in the manner prescribed for the collection or enforcement of other penalties under this Act.

How collected.

Penalty for taking more than the proper Toll.

XXXVII. And be it enacted, That if any person or persons, who shall be either the renter or collector of such tolls at any gate on any such road, shall take a greater toll from any person or persons than is authorized by law, he or they shall for every such offence forfeit and pay the sum of Five Pounds, to be recovered in the same manner as other penalties imposed by this Act.

Gate keepers not bound to give change for more than 5s.

XXXVIII. And be it enacted, That no Gate Keeper shall be bound to give change for a larger amount than Five Shillings.

Exemptions from toll.

XXXIX. And be it enacted, That all Her Majesty's officers and soldiers being in proper staff, or regimental, or military uniform, dress, or undress, and their horses, (but not when passing in any hired or private vehicle,) and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform, when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in Her service, when conveying such persons or their baggage, or returning therefrom, shall be exempted from payment of any duties and tolls, on embarking or disembarking from or upon any pier, wharf, quay or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of this Act, and also persons, horses or carriages going to or returning from any funeral, or any person with horse or carriage going to or returning from his or her usual place of religious worship on the Lord's Day, and any farmer residing on the line of any such road passing any Toll-Gate opposite to and immediately adjoining his farm, when going to or returning from his work on such farm, shall pass the gates on any road made or improved under the authority of this Act or of any of the before recited Acts, free of toll.

Tolls may be charged on Mail carriages, &c.

XL. And be it enacted, That it shall be lawful to charge tolls on vehicles carrying the Mails upon any road or bridge constructed under the provisions of this Act, or of any of the before recited Acts, or under any special or private Act of Incorporation, but that as regards all roads and bridges constructed by the Provincial Government or Board of Works, and transferred to any Company on condition that the Mail should pass free over the same, an exemption from toll shall continue in favor of the Mails; Provided always, that in the case of any such last mentioned road or bridge, there shall be no such exemption in favor of any Mail Stage or other Vehicle drawn by two horses and carrying the Mail and containing or having more than four passengers travelling thereby, or in favor of any Mail Stage or other Vehicle drawn by four horses and carrying the Mail and containing or having more than eight passengers travelling thereby; but that every such Mail Stage or Vehicle drawn by two horses and containing more than four passengers, and every such Mail Stage or Vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively, as above mentioned, be liable at each gate to a toll of One Penny; Provided also, that nothing herein contained shall be held to affect the rate of toll which any party may be entitled to collect under and during the continuance of any lease or contract executed before the passing of this Act.

Exception: as to certain Roads.

Proviso: exception limited, on the Roads last mentioned.

Proviso: as to Roads now under lease.

Penalty for pass-

XLI. And be it enacted, That if any person not exempted by law ing or attempting to pass Gates, &c., without payment of Toll.

Distress.

Proviso: imprisonment in first instance in certain cases.

from paying toll, shall willfully pass or attempt to pass any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall forfeit a sum not exceeding Five Pounds and costs, to be recovered in the same manner as other fines and forfeitures may be levied under the provisions of this Act, and in case no sufficient distress can be found to satisfy any Warrant that may be issued against the goods and chattels of the offender, such offender shall then be committed to the Common Gaol of the County or United Counties for any period not exceeding one month: Provided always, that a Warrant of Commitment may issue, and the party convicted may be imprisoned thereon in the first instance upon any conviction under this Section of this Act, without issuing any Warrant of Distress against goods and chattels, where the offender after conviction shall neglect or refuse to pay the amount of the fine and costs, and it shall be made to appear to the satisfaction of the acting Justice or Justices, by affidavit, that the offender has no goods or chattels within the jurisdiction of such Justice or Justices.

Mode of enforcing payment of Tolls in case of refusal to pay: by seizure and sale of horses, &c., in respect of which they are due.

XLII. And be it enacted, That if any person or persons subject or liable to the payment of any of the toll or tolls under and by virtue of this or any other Act of Parliament for making, repairing or maintaining any toll-road, shall, after demand thereof made, neglect or refuse to pay the same or any part or parts thereof, it shall be lawful for the person or persons authorized or appointed to collect such tolls, by himself or themselves, or taking such assistance as he or they shall think necessary, to seize or distrain any horse, beast, cattle, carriage or other thing upon or in respect of which any such toll is imposed, together with their respective bridles, saddles, gears, harness or accoutrements (except the bridle or reins of any horse or other beast separate from the horse or beast) or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods and chattels of the person or persons so required to pay, and if the toll or any part thereof so neglected or refused to be paid, and the reasonable charges of such seizure and distress shall not be paid within the space or four days next after such seizure and distress made, the person or persons so seizing and distraining, after giving four days' public notice thereof, may sell the horse, beast, cattle, carriage and things so seized and distrained, or a sufficient part thereof, returning the overplus of the money to arise by such sale (if any) and what shall remain unsold, upon demand, to the owner thereof after such tolls and the reasonable charges occasioned by such seizure, distress and sale, shall be deducted.

Penalty on per-

XLIII. And be it enacted, That if any person or persons shall, after sons using a Road, and turning off the same in order to avoid payment of Toll.

proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turn out of such road into any other road or field or piece of land, for the purpose of avoiding the payment of toll, and shall enter upon the said road beyond any of the said gates or check-gates by crossing the road or otherwise without paying toll, whereby such payment of toll shall be evaded, such person or persons, or the owner or owners of such vehicle, animal or animals, shall for every such offence forfeit and pay the sum of Ten Shillings and costs: and any one Justice of the Peace for the County in which such part of the road is situated, shall, on conviction of such offender, fine such offender in the said penalty and costs, and shall cause the same to be levied as aforesaid.

Penalty on persons allowing others to pass through their lands to avoid payment of Toll.

XLIV. And be it enacted, That if any person or persons shall permit or suffer any person or persons to pass through any lands occupied by him or them, or through any gate, passage or way thereon, with any carriage, sleigh, horse, mare, gelding or any other animal liable to the payment of toll, who shall, before or after passing through such lands, travel more than one hundred yards upon such road, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving, or the owner of the animal or animals or carriage whereon such payment is avoided, being thereof convicted before any one Justice as aforesaid, shall for every such offence severally incur a penalty not exceeding Twenty Shillings and not less than Five Shillings, to be levied as aforesaid, with costs.

Penalty on persons leaving horses, &c., on the road, so as to avoid payment of Toll.

XLV. And be it enacted, That if any person shall leave upon any such road any horse, cattle, beast or carriage whatsoever, by reason whereof the payment of any tolls or duties shall be avoided or lessened; or shall take or cause to be taken off any horse or other beast or cattle from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, shall afterwards add or put any horse or other beast to any such carriage and draw therewith upon any part of any such road, so as to increase the number of horses or other beasts drawing the said vehicle after the same shall have passed through any toll-gate, whereby the payment of all or any of the tolls shall or may be evaded, every such person shall, for every such offence, forfeit and pay a sum not exceeding Twenty Shillings, to be levied as aforesaid, with costs.

Penalty on persons falsely claiming exemption from Toll.

XLVI. And be it enacted, That any person falsely representing him or herself to any toll-gatherer or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evading the payment of toll by any false representation or other fraudulent act, shall forfeit to the Company or Municipality owning such road, the sum of

One Pound and costs, to be recovered summarily before any Justice of the Peace in the manner provided by this Act for the recovery of other penalties.

Penalty on persons injuring Roads or other works of any Company.

XLVII. And be it enacted, That if any person shall wilfully and maliciously burn, break down, injure, cut, remove or destroy in whole, or in part, any toll-house, turnpike-gate, wall, lock, chain, or other fastening, rail, post, bar or other fence, belonging to any toll-gate or toll-house, set up, erected or used for the purpose of preventing the passing by such gate of persons, carriages or other property liable to the payment of toll, at such gate, or any house, building, engine or weighing machine erected or used for the better ascertainment or security of any such toll, every such offender shall be guilty of a misdemeanor, and on conviction thereof, shall be punished either by imprisonment in the Provincial Penitentiary, for a term not exceeding three years, or by fine and imprisonment in the Common Gaol for any term not exceeding two years, at the discretion of the Court before whom the offender shall be convicted.

Penalty on persons obstructing a Road by leaving materials, &c., thereon;

XLVIII. And be enacted, That if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road for the construction, maintenance and repair thereof, or shall drive any loaded wheel carriage or other loaded vehicle, upon that part of any of the roads constructed under the authority of this Act, or by any other incorporated Company under the authority of any other Act of the Legislature of this Province, between the stones, plank or hard road and the ditch further than may be necessary in passing any other vehicle, or in turning off or upon such road, or shall cause any injury or damage to be done to the bridges, culverts, posts, rails or fences, or shall haul or draw, or cause to be hauled and drawn upon any part of any road constructed as aforesaid, any timber, stone or other thing which shall be carried principally or in part, upon wheel carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof; or if any person shall leave any waggon, cart or other carriage whatsoever upon such road without some proper person in the custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, (or shall lay any timber, stones, rubbish or any other thing whatever upon the said road to the prejudice, interruption and danger of any person travelling thereon,) or if any person shall after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to remain on

Or hauling timber, &c., so as to injure the Road; or leaving any carriages, &c. on the Road;

Or injuring lamp posts, &c.;

Or filling up or impeding ditches, &c.;

Or allowing swine to run at large, &c.

Damages and Penalty to be recoverable from such person.

such road any stone or other thing with which such cart or carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp posts put up, erected or placed in or near the side of such road or any toll-house erected thereon, or shall wilfully extinguish the light of any such lamp; or if any person shall wilfully pull down, break, injure or damage any table of tolls put or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected by any Company upon any road or bridge constructed by them, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post or mile post or stone; or if any person shall throw any earth, rubbish or any other matter or thing into any drain, ditch, culvert or other water course made for draining any such road; or if any person shall without permission carry away any stones, gravel, sand or other materials, dirt or soil from any part of any such road, or dig any holes or ditches on the allowance for the same; or if any person or persons shall allow any swine to run at large to the injury of the said road, every such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by such Company, to be ascertained by the said Justice on hearing of the said complaint; and also to pay a fine of not more than Fifty Shillings nor less than Five Shillings, together with all costs; such damages, fines and costs to be paid within a time to be limited by the said Justice, and in default thereof the same shall be levied as hereinafter provided.

Company and their servants not to impede the free use of the whole graded portion of the road.

Penalties.

XLIX. Provided always, and be it enacted, That it shall not be lawful for any Company or Municipality, or for any Contractor, Sub-Contractor, or person employed by such Company or Municipality, Contractor or Sub-Contractor, to leave or place upon the graded part of any road constructed or acquired by such Company or Municipality under the authority of this Act or any previous Act, whether such part of the Road be or be not macadamized, gravelled or planked, any stone, gravel, plank, timber, or other materials whatsoever, so as to prevent the public from using or to impede the free use of the whole of such graded portion of the road; and for any offence against this Section, such Company, Municipality, Contractor, Sub-Contractor, or other person as aforesaid, shall be responsible for all damages arising from such offence; and such Contractor, Sub-Contractor, or other person as aforesaid, shall also incur a penalty of not less than Five Shillings, nor more than Five Pounds, to be recovered summarily before any Justice of the Peace in the manner provided by this Act for the recovery of other penalties; and in the case of roads owned by Companies, that the penalty shall be paid to the Municipality within which such road is situate; and in the case of roads owned by Municipalities, one half of such fine shall be paid to the complainant, and the residue to the Receiver-General of this Province, for the public uses thereof.

Application of penalties.

L. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, shall and may be recovered upon information and complaint before any Justice of the Peace of the County within which the same shall have been incurred, and shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants of Distress for that purpose, to be issued by the Justices before whom the conviction shall have been had, and in case there shall be no goods or chattels to satisfy such Warrant, such offender or offenders shall and may be committed to the Common Gaol of the County for any period not exceeding one month; Provided that neither this Section nor any thing therein shall be held or construed to interfere with the provisions made in the forty-first Section of this Act, (upon conviction for any offence therein mentioned,) for issuing a Warrant of Commitment in the first instance.

Recovery of fines and forfeitures under this Act.

Proviso.

LI. And be it enacted, That in any proceeding or prosecution, before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the Summons, and if he shall not appear accordingly, then upon proof of the due service of the summons upon such party either personally or by leaving a copy thereof at his usual place of abode, the Justice may proceed either to hear and determine the case *ex parte* or issue his Warrant for apprehending and bringing such party before himself or some other Justice of the Peace, or the Justice may, if he think fit, without previous Summons, issue such Warrant, and the Justice before whom such party shall appear or be brought shall proceed to hear and determine the case.

Party not appearing on Summons may be arrested, or the case may be heard *ex parte*.

LII. And be it enacted, That all fines and forfeitures collected under the authority of this Act, except where it is otherwise provided by this Act, shall be paid to the Treasurer of the Company or Companies or Municipalities owning the repective roads, or other work in respect of which such fines and forfeitures shall be imposed, for the use of such Companies or Municipalities respectively.

Application of fines, &c., when not otherwise provided.

LIII. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar

Suits to be brought within six calendar months.

months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Officers and stockholders may be witnesses.

LIV. And be it enacted, That in any action or suit brought by or against any such Company, upon any contract or for any matter or thing whatsoever, any Stockholder, or any officer or servant of the Company, shall be competent as a witness, and his testimony shall not be deemed inadmissable on the ground of interest, or of his being such servant or officer.

Companies formed *bona fide* under former Acts confirmed, notwithstanding any informality in their formation, &c.

LV. And be it enacted, That notwithstanding any irregularity which may have occurred in the formation, registration or management of any Joint Stock Company for the construction or purchase of any road or other work under the provisions of the Acts hereby repealed, and notwithstanding all the requirements of the said Acts or either of them may not have been strictly complied with, all such Companies which shall *bona fide* have proceeded in the construction or purchase of any road or other work, shall be held to be duly organized, formed, registered, constituted and managed under the said Acts, any thing in either of the said Acts to the contrary notwithstanding; Provided that nothing in this clause contained shall be construed to confirm the establishment or management of any such Company, when any irregularity has occurred in the formation, registration or management of the same, unless such Company shall have *bona fide* proceeded with the construction of or shall have purchased such road or work before the passing of this Act; And provided also, that nothing in this Act contained shall affect the rights of any party in any proceeding, action or suit in any Court of Law or Equity in this Province which may be pending at the time of the passing of this Act.

Proviso: Company must have proceeded with their work.

Proviso: as to pending cases.

Directors to report annually to the proper Municipality.

LVI. And be it enacted, That it shall be the duty of the Directors of every Company incorporated or to be incorporated under this Act, or by any previous Act of the Legislature, to report annually, at some time during the month of January in each year, to the Municipal Council of the County having jurisdiction within the locality through or along the boundary of which such road shall pass, or wherein such other work may be constructed, the cost of their work, the amount of all money expended, the amount of their Capital Stock, and how much paid in; the whole amount of tolls expended on such work, the amount received during the year from tolls and all other sources, stating each separately, the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by such Company, specifying the object for which such debts respectively were incurred; and every such

Company to keep

regular books open to inspection by the Municipality, and afford the officers of the Municipality all information required.

Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open to the inspection of any person or persons who may for that purpose be appointed by the Municipality having jurisdiction as aforesaid; and every such Inspector shall have the right of taking copies or extracts from the same, and requiring and receiving from the Keeper or Keepers of such books, and also from the President and each of the Directors of such Company, and all the other officers and servants thereof, all such information as to such books, and the affairs of such Company generally, as such Inspector or Inspectors may deem necessary for the full and satisfactory investigation into and report upon the state of the affairs of such Company.

After 21 years from the completion of the work, the proper Municipality may purchase the Stock of the Company at its current value.

LVII. And be it enacted, That after twenty-one years from the time of completing any such road or other work as aforesaid, it shall and may be lawful for any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, to purchase the stock of such Company at the current value thereof at the time of purchase, (to be ascertained by Arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Municipality cannot agree upon such value,) and to hold the same for the use and benefit of the said locality; and such Municipal authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

Legislature may amend this Act.

LVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alterations in any of its provisions, as they may think proper for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate, property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to the same.

Provisions of certain sects of this Act to extend to all Turnpike Roads in U. C. whether constructed under—

LIX. And be it enacted, That the provisions contained in the third, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, fourteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, 13 & 14 V. c. 14.

12 V. c. 5, or the Act cited in the preamble to this Act, or by any Municipality.

Proviso.

forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty second, fifty-third, fifty fourth, fifty-fifth, fifty-sixth, and fifty-seventh Sections of this Act shall extend to and regulate all Turnpike Road Companies in Upper Canada in the collection of Tolls or otherwise, whether constructed under the authority of any of the Acts mentioned in the preamble hereof or under authority of an Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to extend the Act for the formation of Companies for constructing Roads and other Works to Companies formed for the purpose of acquiring Public Works of like nature*, or under the authority of an Act passed by the Parliament of this Province, in the Session thereof, held in the 12th year of Her Majesty's Reign, chapter five, and intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, or constructed by or belonging to the Municipality of any County, Town or Village in Upper Canada, authorized to construct or acquire road under any Act of the Parliament of this Province in the same manner and as fully as if the said several and respective Sections had been inserted in and were part of any of the said several Acts, respectively, incorporating Road Companies in Upper Canada, or in any one of the Acts heretofore passed, authorizing the Municipalities of Counties, Cities, Towns or Villages, to construct or acquire roads; Provided, however, that lower rates of toll upon any road hereafter transferred to any Company by the Acts especially cited in this Section, may be fixed or established in the order of the Governor in Council, transferring the same to any such Company; Provided also, and be it further enacted, That the provisions contained in the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty sixth, twenty-eighth, thirty-first, thirty-second, thirty-third, thirty fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-seventh and fifty-eighth Sections of this Act, together with this proviso, shall also extend to Road Companies having private Acts of Incorporation, but that no other Sections of this Act shall apply to such companies.

Proviso: certain sects to extend to Companies having private Acts of incorporation.

Road Companies to lay down in grass all cleared lands belonging to them and adjoining their Roads:

LX. And be it enacted, That it shall be the duty of every Company incorporated under this Act or any of the Acts hereby repealed, wherever it may be necessary, to sow with grass seed all cleared land or ground belonging to such Company and adjoining their road or roads, and to cause the same, so far as may be, to be covered with grass or turf, if not already so covered, and to cause all thistles and other weeds growing on such land or ground, to be cut down and kept constantly cut down, or to be rooted out of the same; and if any such Company shall fail so to do, such Company shall thereby incur a penalty of Ten Shillings for each day on which they shall fail to comply with any of the requirements of this section, within eight days after having been required to comply with the same by a notice to be served on such Company on the part of the Reeve of the Municipality of the Township within which such land or ground shall lie, and it shall also be lawful for the said Reeve, after the expiration of the said Eight Days, and if the Company shall not then have complied with such notice, to cause all such things to be done as the said Company shall have been by the said notice lawfully required to do, and the said Municipality may recover to and for the use and purposes of such Municipality, the expense of so doing, together with the said penalty, and all costs and charges, from the said Company, by action of debt in any Court having jurisdiction in civil cases to the amount sought to be recovered.

Penalty for default.

LXI. And be it enacted, That all Acts and portions of Acts repugnant to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Inconsistent Acts. &c. repealed.

LXII. And be it enacted, That this Act shall be a Public Act.

Public Act.

SCHEDULE A.

Schedule A.

Be it remembered, that on this day of in the year of our Lord one thousand eight hundred and we, the undersigned Stockholders, met at in the County of in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act, &c., insert here the title of this Act*) for the constructing of a road from (*the commencement of the intended road*) to (*the termination thereof*) (*describing the line of intended road, or other such work as aforesaid*) and we do hereby declare that the Capital Stock of the said Company shall be Pounds, to be divided into shares, at the price or sum of Five Pounds each; and we, the undersigned Stockholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

B.

Schedule B.

Be it remembered that on the day of , in the year of our Lord one thousand eight hundred and the Stockholders of the "Township of Road Company," (*as the case may be*) and the Stockholders of the "Town *or* Municipality of Road Company," (*as the case may be*) met at in the County of , and then and there by the majority of the Stockholders holding or representing at least two thirds of the Capital Stock of each of the said Companies respectively, resolved to unite the said Companies into one Consolidated Incorporated Company, to be called the Consolidated Road Company , according to the provisions of the nineteenth Section of a certain Act of Parliament of this Province, intituled, *An Act*, (*here insert title of this Act*,) upon the terms following, that is to say:

(*here set out the terms upon which the Companies agree to unite.*) And we do hereby declare that the Capital Stock of the said united Company is (*as the case may be*) divided into shares of Five Pounds each.

In testimony whereof we have hereunto set our Hands, and affixed the Seals of the said respective Companies, this day of one thousand eight hundred and ,

A. B. President, &c. [L. S.]
C. D. President, &c. [L. S.]

HARBOUR & DOCK COMPANIES.

ACT 16 *VICT.*, *CAP.* 124.

An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.

Preamble.

Whereas it is expedient to provide for the construction of Piers and Wharves, for dredging and deepening Harbours, and constructing

Docks to increase the safety of vessels and facilitate the operation of loading and unloading or repairing the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*,, and it is hereby enacted by the authority of the same, That any number of persons not less than five, respectively, may form themselves into a Company for the purpose of constructing any Piers or Wharves, or for dredging or deepening or making any Harbour, or for the erection of Dry Docks and Marine Railways connected therewith, in Upper Canada; Provided that before any Company to be formed under the provisions of this Act, shall proceed with their work, it shall be necessary for them to obtain the consent of the Municipality within which such work is proposed to be made, which Municipality shall have the power to fix the limit and boundary of the proposed Habour; Provided secondly, that no Company so formed shall have power to take any private property without the consent of the owner, or to take or interfere with any property belonging to the Crown, without the approval of the Governor in Council, nor shall any such Company obstruct any Harbor now in use, or interfere with any Company already chartered or Board of Commissioners incorporated for the construction of the Harbor.

Formation of Company.

Proviso: Previous consent of Municipality.

Proviso: Property not to be taken without consent.

II. And be it enacted, That when a Company shall have been formed under the provisions of this Act, and a sufficient amount of Stock shall have been taken, adequate in their judgment to complete the work, they shall execute an instrument according to the Schedule to this Act annexed, and register such Instrument with the Registrar of the County in which such work shall be situated.

Articles to be executed and registered.

III. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall henceforth become and be a chartered and incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid; and by such name, they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity, of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a

Incorporation and general corporate powers.

Real property.

common seal, and the same may make, alter and change at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any lands, tenements and hereditaments whatsoever, which may be or have been thought to be useful and necessary for the purpose of such Corporation.

Directors how appointed or elected.

IV. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall and may be formed under the provisions of this Act, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, the qualification of voters and of Candidates for the Direction, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act: which By-law shall be published in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks; and the said Directors shall have full power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish the said amended By-law in the manner above provided, and any majority of such Directors shall be a *quorum* for the transaction of business; Provided, however, that if the annual Election of Directors for any such Company shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall, in that case, continue to serve until another election of Directors shall be held, and such other election shall in such case be held at such time within one month thereafter, as shall have been or shall be provided for by any By-law passed or to be passed by the Directors of such Company for that purpose.

Proviso.

Shares to be £5 each.

V. And be it enacted, That each share in every such Company shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Amount of calls how recoverable from Shareholders.

VI. And be it enacted, That any such Company so to be incorporated as aforesaid, may, in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of Stock which such Stockholder may neglect to pay, after public notice thereof for two weeks, in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company, or after a personal demand for payment shall have been made from such defaulting Stockholder by the Treasurer of such Company; and the oath of the said Treasurer shall be deemed sufficient proof of the said notice or of such demand, a copy whereof shall be filed in the office of the Clerk of the Court where the trial shall take place. Proof.

VII. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion, to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company. President and Officers how appointed, &c.

VIII. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment, by death, resignation or permanent residence without the County or Counties in which the work is situated, in respect of which such vacancy or vacancies shall occur, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur. Vacancies among Directors how filled

IX. And be it enacted, That it shall be lawful for the President and Directors of such Company, to fix and regulate, from time to time, the tolls or wharfage to be received from all vessels entering such Harbour or lying at such Pier or Wharf, and for loading and unloading all goods, wares or merchandize in such Harbour, as to them shall seem meet; Provided they shall not in any case exceed the amount hereinafter specified; Provided also, that such Tolls, Rates or Dues shall be subject to the approval of the Governor of this Province. Rates of Toll, how fixed. Proviso. Proviso.

X. And be it enacted, That it shall be lawful for any such Company or their Agent, Officers or Servants to detain any goods, wares or merchandize, or any vessel, boat or craft until the legal tolls or charges thereon shall be paid, and for charges for repairs of vessels or boats when such charges remain unpaid for the space of thirty days, Provision for enforcing payment of Tolls.

such Companies, their Agent, Officers or Servants may sell or dispose of such vessel or boat to pay the said charges, and in cases where the charges for wharfage or storage dues on goods, wares or merchandize remain unpaid for the space of one year, such Companies, their Agents, Officers or Servants may sell such goods, wares or merchandize or such part thereof as may be necessary to pay such dues, by public auction, giving ten days' notice of such sale, and returning the overplus, if any, to the owner or owners thereof.

Municipalities may hold Stock in such Companies.

XI. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with, and transfer Stock in any such Company, and from time to time to direct the Mayor, Reeve, Warden, or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such Stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such Stock and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other Chief Officer shall, whether otherwise qualified or not, be deemed a Stockholder in the said Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality by their By-laws or otherwise, but voting according to his discretion in cases not provided for by such Municipality: and it shall be lawful for such Municipality to pay for or to pay all instalments upon the Stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

Votes upon such Stock.

Payment of calls on the same.

Company may sell their works to Municipality, which may purchase the same.

XII. And be it enacted, That it shall be lawful for any Company to be constituted under the authority of this Act, whenever they shall see fit, to sell to any Municipal authority representing the interest of the locality in which the work shall be situate, and for such Municipal authority to purchase the Stock of such Company at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised; Provided always, that it shall be lawful for any Municipality making or desirous of making, any such purchase of any such work, to

Proviso. Money may be raised under 16 V. c.22.

borrow money or raise the means of paying therefor by By-law to be passed under the provisions of the Act passed in the present Session, and intituled, "*An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.*"

Company to render accounts to Municipality;

XIII. And be it enacted, Thall it shall be the duty of the Directors of every Company incorporated under this Act, to report annually, at some time in the month of January in each year, to the Municipality within which such work shall be situated, under the oath of the Treasurer of such Company, the state and nature of their work, the amount of all money expended, the amount of their Capital Stock, and how much paid in, the amount of dividends paid and the amount expended for repairs, and the amount of debts due by such Company; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open for the inspection of any person for that purpose appointed by the Municipality aforesaid.

To keep regular Books, &c.

Increase of capital provided for.

XIV. And be it enacted, That the Directors of any such Company shall have power to increase the Capital Stock of such Company, when they shall find the Stock already subscribed insufficient to finish the contemplated Work.

Company may borrow money.

XV. And be it enacted, That it shall be lawful for any Company formed under the authority of this Act, to borrow any sum of money on the security of such work, not exceeding one half the value thereof.

Rates of Tolls or wharfage limited.

XVI. And be it enacted, That so soon as any such Pier, Wharf or Harbour shall be so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, such Company shall have power and authority to ask for, demand and receive, recover and take as toll or wharfage to and for their own use and benefit, on all goods, wares and merchandize shipped on board or landed out of any vessel, boat or other craft, from or upon any such Pier or Wharf within the bounds of every such Harbour, not exceeding the following, that is to say:

		£	s.	d.
Pot or Pearl Ashes	per barrel	0	0	4
Pork, Whisky, Beef, Salt, Lard or Butter,	"	0	0	3
Flour	"	0	0	2
Lard or Butter	per firkin or keg	0	0	1
Grain of all kinds	per buchel	0	0	1
Horned Cattle or Horses	each	0	0	4
Calves, Sheep or Wine	"	0	0	1
Merchandise	per ton	0	3	0

		£	s.	d.
Sawed Lumber, per 1,000 feet board measure		0	1	3
Square or round Timber	per 100 cubic feet	0	0	9
Saw logs		0	0	1½
Pipe Staves	per M.,	0	2	0
West India Pipe Staves	per M.,	0	0	6
Unenumerated Articles	per ton	0	2	0
Boats of 12 tons or under	each	0	1	0
" over 12 tons and not over 50	"	0	2	0
" over 50 tons	"	0	3	0

Municipality may purchase Stock of Company at its current value.

XVII. And be it enacted, That after twenty-one years from the time of completing any such work as aforesaid, so that tolls are collected thereon, it shall and may be lawful for any Municipal authority representing the interests of the locality in which the work shall be situate, to purchase the Stock of such Company at the current value thereof at the time of purchase, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall henceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

This Act may be amended by the Legislature.

XVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alteration to any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate or property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any right, public or private, that may be affected by any of the powers given to any such corporation.

SCHEDULE.

Schedule.

Be it remembered, that on this   day of   , in the year of our Lord one thousand eight hundred and   , We, the undersigned Stockholders, met at   , in the County of   , in the Province of Canada, and resolved to form ourselves into a Company, to be called *(insert the name intended to be taken by the Company,)* according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act, &c.,* *(insert the title of this Act,)* for the purpose of constructing a Pier *(or* Piers,) Wharf *(or* Wharves,) and making *(or* dredging) a Harbour (or constructing a Dry Dock, at (*name of the place.*) And we do hereby declare that the capital Stock of the said Company shall be pounds, to be divided into Shares, at the price or sum of Five Pounds each. And we, the undersigned Stockholders, do hereby agree to take and accept the number of Shares set by us opposite to our respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules and Regulations, Resolutions and By-Laws of the said Company to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted*,) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

MUNICIPAL STOCK IN RAILROADS.

14 & 15 *VIC., CAP.* 51, *SEC.* 18.

An Act to consolidate and regulate the General Clauses relating to Rail-ways.

XVIII. And be it enacted, That—

Firstly. Municipal Corporations in this Province may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any Debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum for them to discharge the debt or engagement so contracted and for the like purpose to issue Debentures payable at such times and for such sum respectively, not less than Five Pounds, currency, and bearing or not bearing interest, as such Municipal Corporation may think meet.

Municipal Corporations may take stock.

Secondly. Any such Debenture issued, indorsed or guaranteed, shall be valid, and binding upon such Municipal Corporation, if signed or indorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of such Corporation and the Corporation Seal thereto shall not be necessary, nor the observance of any other form with regard to the Debentures than such as shall be directed in such By-law as aforesaid.

Debentures issued by them to be binding.

Thirdly. No Municipal Corporation shall subscribe for Stock or in-

They cannot

subscribe for stock unless by-laws are made for that purpose.

cur any debt or liability under this Act or the Special Act, unless and until a By-law to that effect shall have been duly made, and adopted with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspaper printed in the nearest City or Town thereto and circulated therein, and also put up in at least four of the most public places in each Muncipality.

Mayor, &c., to be *ex officio* a Director in certain cases.

Fourthly. The Mayor, Warden or Reeve, being the Head of such Municipal Corporation, subscribing for and holding Stock in the Company, to the amount of Five Thousand Pounds, or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and Duties as any of the Directors of the Company.

RAILWAYS PROTECTION ACT.

ACT 16 *VIC., CAP.* 169, *SECS.* 5 *and* 7.

An Act in addition to the General Railway Clauses Consolidation Act.

Heads of Municipalities not to vote at election of private Directors; unless, &c.

V. And be it declared and enacted, That notwithstanding anything in the said General Railway Clauses Consolidation Act contained, it has not been, nor is, nor shall be lawful for the Mayor, Reeve or other Chief Officer, or other person representing any Municipality having or taking Stock in any Railway Company incorporated or to be incorporated in this Province, by any Act of this Session, either directly or indirectly to vote on the election or appointment of the private Directors of such Company, unless the Special Act of Incorporation of such Company shall expressly provide therefor in the said Special Act.

Ground adjoining any Railway and belonging to the Company to be laid down with grass and cleared of weeds, &c.

VII. And be it enacted, That it shall be the duty of every Railway Company, whether any of the clauses or provisions of the said Act be or be not incorporated with the Act incorporating such Company, to cause all cleared land or ground adjoining their Railway and belonging to such Company, to be sown or laid down with grass or turf, and to cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and to cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same; and if any Railway Company shall fail to comply with the requirements of this Section within twenty days after they shall have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township or County in which such land or ground shall lie, such Company shall thereby incur a penalty of Ten Shillings to the use of such Municipality for each day during which they shall neglect to do any thing which they are lawfully required to do by such notice, and it shall be lawful for the said Mayor, Reeve or Officer, to cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose to enter by himself and his assistants or workmen upon such lands or grounds, and such Municipality may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.

ROADS TRANSFERRED TO MUNICIPALITIES.

See page 274, (13 & 14 Vic., cap. 15, sec. 2.)

Proclamation made 17th June, 1853, declaring the following Roads and Bridges no longer under the control and management of the Commissioners of Public Works, viz:

The Chatham and Amherstburg Road, *passing through the Counties of Kent and Essex.* The Rondeau Road, *passing through the County of Kent.* The Maidstone Cross and Sandwich Road, *passing through the County of Essex.* The Amherstburg and Sandwich Road, *passing through the County of Essex.* The Tecumseth Road, *in the Counties of Kent and Essex.* The Dundas and Owen Sound Road, *in the Counties of Wentworth, Wellington and Grey.* The Bradford and Bond Head Road, *in the County of Simcoe.* The Bradford and Barrie Road, *in the County of Simcoe.* The Barrie and Penetanguishene Road, *in the County of Simcoe.* The Barrie and Nottawasaga Road, *in the County of Simcoe.* The Coldwater Portage Road, *in the County of Simcoe.* Lake Scugog and Simcoe Road, *in the County of Ontario.* The Peterborough and Lindsay Road, *in the United Counties of Peter-*

borough and Victoria. THE PETERBOROUGH AND NORWOOD ROAD, *in the County of Peterborough.* THE TRENT SLIDE AND DRAWBRIDGE ROAD, *in the United Counties of Northumberland and Durham.* THE KINGSTON AND OTTAWA ROAD, *in the United Counties of Frontenac, Lennox and Addington.* THE PRESCOTT AND OTTAWA ROAD, in the *United Counties of Leeds and Grenville, and in the County of Carleton.* THE CORNWALL AND L'ORIGNAL ROAD, *in the United Counties of Stormont, Dundas and Glengary, and in the United Counties of Prescott and Russell.* THE LANCASTER AND L'ORIGNAL MILITARY ROAD, *in the United Counties of Stormont, Dundas and Glengary.* THE BYTOWN AND L'ORIGNAL ROAD, *in the County of Carleton, and the United Counties of Prescott and Russell.* THE BYTOWN AND PEMBROKE ROAD, *in the Counties of Carleton and Renfrew, together with all the Bridges on said roads.*

SCHEDULE OF BRIDGES TRANSFERRED.

SHANNONVILLE,	*Salmon River.*	*County of Hastings.*
GANANOQUE,	*Gananoque do.,*	" *of Leeds.*
NARROWS,	*Lake Simcoe*	" *of Simcoe.*
PETERBOROUGH,	*Otonabee River*	" *of Peterboro'.*
RIDEAU,	*Rideau do.,*	" *of Carleton.*
WINCHESTER,	*Petite Nation do.,*	" *of Dundas.*

ASSESSMENT ACTS REPEALED.

13 & 14 VIC., CAP. 66.

An Act to repeal the Acts and provisions of Law relative to Assessments and matters connected therewith in Upper Canada.

Preamble. Whereas it is expedient to repeal the several Acts and provisions of Law relating to assessments and local taxation, and to statute labour, in Upper Canada, to the end that more equal and just provisions may be made with regard to the matters aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the* Certain Acts repealed. *Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That the Act of the Parliament of Upper Canada, passed in the second Session held in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province*,—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province*,—and the Act of the said Parliament, passed in the second Session held in the fourth year of the Reign of King George the Fourth, and intituled, *An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province,' and also to amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose*,—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province,'*—and the Act of the said Parliament, passed in the sixth year of the Reign last aforesaid, and intituled, *An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province, and to render more effectual the several Laws of this Province imposing rates and assessments, by providing, under certain restrictions, for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged*—and the Act of the said Parliament, passed in the ninth year of the Reign last aforesaid, and intituled, *An Act to amend the Assesment Laws of this*

Acts of U. C., 59 G. 3, (sess. 2,) c. 7, assessments.

59 G. 3, (sess. 2,) c. 8, highways.

4 G. 4, (sess. 2,) c. 9, highways.

4 G. 4, (sess. 2,) c. 10, highways.

6 G. 4, c. 7, assessments.

9 G. 4, c. 3, assessments.

7 W. 4. c. 3, Assessments.

3 V. c. 10, Statute labour. Acts of Canada, 8 V. c. 22. Wellington district.

10 & 11 Vic. c. 44. Brockville.

Parts of 12 Vic. c. 80.

Other enactments.

Exception.

Province,—and the Act of the said Parliament, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to amend the Laws now in force regulating the sale of lands for arrear of taxes, and for other purposes therein mentioned,*—and the Act of the said Parliament, passed in the third year of Her Majesty's Reign, and intituled, *An Act to compel certain persons not assessed to perform Statute Labour,*—and the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide more effectually for the collection of certain arrears of taxes on lands in the District of Wellington and other Districts, and better to define the limits of the said District of Wellington,*—and the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to provide for an assessment of real and personal property in the Town of Brockville, according to the annual value or rental thereof, and for other purposes,*—and so much of the several Acts mentioned in the Schedules annexed to the Act of the said Parliament, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, and other matters of a like nature,* as established, provide for or regulate the assessment or mode of assessment, or the property to be assessed, or any matter relating to the same, in any of the Cities or liberties thereof, Towns or Villages to which such Acts respectively refer,—and all Acts or parts of Acts, and all by-laws, rules and regulations of the Municipal Corporations of the Townships, Villages, Towns or Cities, or of the District or County Municipal Councils, or other local authorities in Upper Canada, imposing rates or assessments, or providing for the collection thereof,—and all Acts and parts of Acts inconsistent with this Act,—shall be and the same are hereby repealed, except in so far as the same or any of them repeal any former or other Acts, or parts of Acts, by-laws, rules or regulations, and except in so far as the same may affect any rates or taxes for the present year, or any rates or taxes which have accrued and are actually due, or any remedy for the enforcement or recovery of such rates or taxes not otherwise provided for by this Act.

Commencement of Act.

II. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-one, and not before.

ACT 16 *VIC., CHAP.* 182.

An Act to amend and consolidate the Assessment Laws of Upper Canada.

Preamble.

Whereas it is expedient to amend the Assessment Laws now in force in Upper Canada, and to provide in one Act for the just and equal assessment of property and the levying and collecting of Municipal rates in the several Townships, Villages, Towns, Cities and Counties in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Assessment Law of Upper Canada*, be and the same are hereby repealed, except in so far as the same may affect any rates or taxes of the present year, or any rates or taxes which have accrued and are actually due, or any remedy for the enforcement or recovery of such rates or taxes not otherwise provided for by this Act: Provided always, that all taxes of the present year, and all arrears of other taxes remaining due after this Act shall come into force, shall be collected and recovered according to the provisions of this Act.

Acts 13 and 14 V. cap 67, and 14 & 15 V. c. 110, repealed.

Proviso as to arrears.

PROPERTY LIABLE TO TAXATION.

What property shall be liable to taxation.

II. And be it enacted, That all land and personal property in Upper Canada shall be liable to taxation, subject to the exemptions hereinafter specified; and the occupant of any land belonging to Her Majesty shall be liable to taxation for the land so occupied, but such land shall not be chargeable for the same.

Meaning of the terms "land," "real estate," "real property," "personal estate" "personal property," and "property," in this Act.

III. And be it enacted, That the term "Land" as used in this Act, shall be held to include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood, growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty, Her Heirs or Successors; and the terms "real estate" and "real property," whenever they occur in this Act, shall be construed as having the same meaning as the term "land" thus defined; and the terms "personal estate" and "personal property" whenever they occur in this Act, shall be construed to include all goods, chattels, shares in incorporated companies, money, notes, accounts and debts at their full value, and all other property, except land as above defined, and property herein expressly exempted; and the term "property" shall include both real property and personal property as above defined.

Assessment Scale for personal property.

IV. And be it enacted, That if the nett personal property of any party shall be equal in value to any of the sums set down in the first column of the annexed scale, but shall not be equal to the larger sum set opposite to it in the second column, he shall be assessed for such smaller sum only—

£25	or more,	but under	£50
£50	do.	do.	£100
£100	do.	do.	£250
£250	do.	do.	£500
£500	do.	do.	£1,000
£1,000	do.	do.	£2,500
£2,500	do.	do.	£5,000
£5,000	do.	do.	£10,000
£10.000	do.	do.	£15,000
£15,000	do.	do.	£20,000

and so forward, the sums thenceforth increased by £5,000.

How persons deriving income from any trade, calling or profession shall be assessed.

V. Provided always, and be it enacted, That no person deriving income from any trade, calling, office or profession, exceeding the amount of Fifty Pounds per annum, shall be assessed for a less sum as the amount of his nett personal property, than the amount derived from such income during the year then last passed, but such last year's income shall be held to be his nett personal property, unless he has other personal property to a greater amount.

Certain property exempted from taxation.

VI. And be it enacted, That the following property shall be exempt from taxation.

All property belonging to Her Majesty.

Firstly. All estate and property belonging to or vested in Her Majesty, Her Heirs and Successors, or held by Her Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, or vested in any public body, officer, person or party in trust for Her Majesty, or for the public uses of the Province, save as hereinbefore provided as to any private occupant of such property.

Places of Worship, Colleges, Grammar Schools, and Public Educational Institutions, Buildings for public purposes, Public Roads and Ways, &c.

Secondly. Every place of worship, every church-yard or burying ground, the real estate of any University, College, incorporated Grammar School, or other incorporated Seminary of learning, or real estate held in trust for the same, so long as such real estate is actually used and occupied by it, but not if occupied by others or unoccupied; every Public School House, Town or City Hall, Court House, Gaol, House of Correction, Lock-up House, or public Hospital with the land attached thereto, or on which the same is erected, and the personal property belonging to each of them, every Public Road and Way or Public Square, and the property belonging to any Township, Village, Town, City or County, if occupied for the purposes thereof, or unoccupied.

Provincial Penitentiary.

Thirdly. The Provincial Penitentiary and the land attached thereto.

Houses, &c., used for Philanthropic purposes.

Fourthly. Every Industrial Farm, Poor House, Alms House, House of Industry or Lunatic Asylum, and every house belonging to a Company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

Scientific Institutions.

Fifthly. The property of every Public Library, Mechanics' Institute or other public literary or scientific institution, and of every Agricultural Society.

Personal property of Governor, &c.

Sixthly. The personal property of the Governor or Lieutenant Governor of this Province, and the official income of any person administering the Government of this Province for the time being.

Official occupants of public property.

Seventhly. The occupant of any property of Her Majesty, or held for Her Majesty or the public uses of this Province in respect of his occupation of such property in an official capacity.

Imperial Salaries, pensions or gratuities, personal property of Officers on full pay.

Eighthly. The full or half pay of any one in any of Her Majesty's Naval or Military services, or any pension, salary or other gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Province, and the personal property of any such persons in such Naval or Military services on full pay, or otherwise in actual then present service, nor shall such persons be liable to perform statute labor, or to commute for the same.

Pensions under £50 a year.

Ninthly. All pensions under Fifty Pounds a year payable out of the public moneys of this Province.

Incomes derived from Farms.

Tenthly. The income of a farmer derived from his farm, and the crops the produce thereof for the current year.

Personal property secured by mortgage.

Eleventhly. So much of the personal property of any person as is secured by a mortgage upon land, or may be due to him on account of the sale of land the fee or freehold of which is vested in him.

Bank Stock and

Twelfthly. The stock held by any person or in any Chartered

Railroad Stock.

Bank so long as by any law of this Province there is a special tax upon bank issues, or in any Railroad Company.

Stocks owned out of the Province.

Thirteenthly. All property, stocks and other securities which any party may own out of this Province.

Personal property to amount of debts due.

Fourteenthly. So much of the personal property of any party as shall be equal to the just debts owed by him, except such debts as are secured by mortgage upon his real estate,or may be unpaid on account of the purchase money thereof.

Personalty under £25.

Fifteenthly. The nett personal property of any individual, provided the same be under Twenty-five Pounds in value.

Stipend of Ministers, under £300.

Sixteenthly. The stipend or salary of any Minister of Religion from whatever source derived, as long as the same does not exceed Three Hundred Pounds annually.

Household effects, Books, &c.

Seventeenthly. Household effects, Books and wearing apparel.

Lands to be assessed where situated

VII. And be it enacted, That all lands to whomsoever belonging, shall be assessed in the Township, Village or Ward in which they lie, and in the name of and against the owner thereof, if known, or if resident or having a legal domicile or place of business, when the assessment shall be made, within such Township, Village or Ward, or the Town or City in which it is included, or if such lands be occupied by such owner or wholly unoccupied; but if the owner be not so resident or be unknown, or the land be occupied, it shall be assessed in the name of and against the occupant; and occupied land owned by a party known or residing or having a legal domicile or place of business in the Township, Village, Town or City where the same is situate, but occupied by another party, shall be assessed in the name of and against both the owner and the occupant (inserting the name of both in the Roll with the word "owner" or "occupant" added as the case may be, and notifying both in the manner hereinafter provided); and the taxes thereon may be recovered from either or from any future owner or occupant saving his recourse against any other party; and if any land be owned or occupied by more than one party, then any one or more of them may be deemed the owner or owners, occupant or occupants, and shall be liable accordingly, saving his or their recourse against the others, but the names of all such owners and occupants shall be mentioned if known; and any occupant may deduct from his rent any taxes he may have paid, if the same could also have been recovered from the owner, unless there be a special agreement between the occupant and the owner to the contrary.

In what cases they shall be assessed in the

VIII. And be it enacted, That unoccupied lands not known to be owned by any party resident or having a legal domicile or place of business, in the Township, Village, Town or City where the same are situate, or belonging to any party whose residence or domicile or place of business upon diligent enquiry by any assessor of such Township, Village, Town or City, shall not be found therein, or who being resident out of the Municipality, shall not have signified to the Assessor personally or in writing, that he owns such land and desires to be assessed therefor, shall be denominated "Lands of non-residents" and shall be assessed as hereinafter provided; Provided always, that the real estate of any Railroad Company, although it may be in a Municipality other than that where the office of the said Company is held, shall not be considered to be land of non-residents.

Proviso as to the estate of Railroad Companies.

IX. And be it enacted, That the real estate of all incorporated Companies shall be assessed in the Township, Village or Ward where the same shall be, in the same manner as the real estate of individuals; and their personal property shall not be assessed against them in their corporate capacity, but each Shareholder in any Incorporated Company shall be assessed for the value of the stock or shares held by him, as part of his personal property, except where such stock is specially exempted by this Act.

How the property of Corporations shall be assessed.

X. And be it enacted, That the personal property of any partnership shall be assessed against it at the usual place of business of such partnership, and each partner in his individual capacity shall not be assessable for his share of the personal property of any partnership which has already been assessed; and if a partnership has more than one place of business, each branch as far as may be, shall be assessed in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business, of the amount of personal property assessed against it elsewhere.

Personal property of partnerships, how and where to be assessed.

As to Partnerships having more than one business locality.

XI. And be it enacted, That every party having any Farm, Shop, Factory, Office or other place of business, where he carries on any trade, profession, or calling, shall be assessed for all personal property owned by him, and wheresoever situate, in the Township, Village or Ward where he has such place of business when the assessment is made; and if he has two or more such places of business in different Municipalities or Wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat, or if this cannot be done, he shall be assessed for part of his personal property at one and part at another of his places of business or for all

Where parties carrying on trade or professions shall be assessed for personal property.

If the party has no place of business.

Property held by him in a representative character to be assessed at the same place.

his personal property at one such place at his discretion, but he shall in all such cases produce a certificate at each place of business of the amount of personal property assessed against him elsewhere; and if any party has no place of business he shall be assessed at his place of residence; and wherever he is assessed, there shall be included with his property all personal property in his possession or under his sole control as trustee, guardian, executor or administrator, and in no case shall property so held be assessed against any other party, and if it be owned or possessed by or under the control of more than one party, each shall be assessed for his share, or if they hold in a representative character, then each shall be assessed for an equal portion.

Real property to be estimated at full value.

What shall be deemed vacant land, and how its value shall be calculated in Cities, &c.

Yearly value of personalty in Cities, &c.

Proviso: as to yearly value of real property in Cities, &c.

XII. And be it enacted, That real property shall be estimated at its full value as it would be appraised in payment of a just debt from a solvent debtor, and the yearly value of real property in Cities, Towns or Villages shall be the real rack rent for each separate tenement to be ascertained by the Assessors, in the manner hereinafter provided; but if more than one quarter of an acre of land be attached to any house or building forming a separate tenement, the overplus shall be held to be vacant ground, and the full actual value of all vacant ground shall be estimated by the Assessors, and six per cent. thereon shall be deemed its yearly value, and the yearly value of personal property in Cities, Towns and Villages, shall be calculated to be six per cent. on its actual value: Provided always, that no real property in Cities, Towns and Villages shall be assessed at a rental which is less than six per cent. on the full and real value thereof; but if the actual rent falls short of that amount, the property shall nevertheless be assessed at the full yearly value calculated as six per cent. upon the real value.

All taxes under 12 V. c. 81, or any other Act, to be levied equally upon the whole property of the locality to be taxed.

XIII. And be it enacted, That all taxes to be levied under this Act, or the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, or under any other Act passed or to be passed whereby any local or direct taxes have been or shall be authorized to be levied, and when no other express provision shall be made in this respect, shall be levied equally upon the whole real and personal property of the locality to be taxed in proportion to the assessed value thereof, and not upon any one or more kinds or species of property in particular or in different proportions.

Yearly taxes to be computed from 1st January,

XIV. And be it enacted, That the taxes levied or assessed for any year, shall in all cases be considered and taken to have been imposed unless otherwise ordered.

for the then current year, commencing with the first day of January, and ending with the thirty-first day of December, unless otherwise expressly provided for by the enactment or By-law under which the same are imposed or authorized or directed to be levied.

One or more Assessors may be appointed, in any place.

XV. And be it enacted, That notwithstanding any thing in any Act or law to the contrary, the number of Assessors or Collectors to be appointed in and for any City, Town, Village or Township, shall be one or more, in the discretion of the Municipal Council thereof, and such Municipal Council may, in their discretion, appoint the same Assessor or Collector to act in and for any number of Wards or for the whole of any City or Town.

Townships or Cities, Towns, &c., may be divided into Assessment Districts, and regulations made for governing Assessors.

XVI. And be it enacted, That the Municipal Council of any Township, City, Town or Village may, if they deem it expedient, divide the same into convenient Assessment Districts, and may assign the Assessment District or Districts within which each Assessor shall act, and may prescribe such regulations for governing the Assessors in the performance of their duties as shall not be inconsistent with this Act, or with any law in force in Upper Canada.

Assessment Roll to be prepared: its form and contents.

XVII. And be it enacted, That the Assessor or Assessors for each Township, Village and Ward shall prepare an Assessment Roll, in which after diligent enquiry, shall be set down in separate columns, and according to the best information in their power, the names and surnames in full, if the same can be ascertained, of all taxable parties resident in the Township, Village or Ward, and of all non-resident Freeholders who shall either in person, or in writing, have required such Assessor to enter their names and the land owned by them in the Roll, together with the description and extent or amount of property assessable against each, and containing the particulars mentioned in the Schedule appended to this Act, marked A., for each of the items whereof the Assessment Roll shall contain a separate column; Provided always, that whenever any Assessor shall enter upon his Roll the name of any Freeholder who shall have required his name so to be entered, he shall write opposite to it "non-resident," together with the address of Such Freeholder, and no such non-resident shall be entitled to vote at any Municipal Election by reason of his name being so entered on the Assessor's or Collector's Roll; any thing in the Upper Canada Municipal Corporations' Acts to the contrary notwithstanding.

Proviso: non-residents entered on Roll to be distinguished as such.

Particulars respecting property or income to be delivered to Asses-

XVIII. And be it enacted, That it shall be the duty of each party assessable in any Township, Village or Ward, to give all necessary information to the Assessor or Assessors, and if required by the Assessor sors in writing by the parties to be assessed.

or by one of the Assessors, if there be more than one, to deliver to such Assessor a statement in writing, signed by such party (or his agent, if such party be absent) and containing all the particulars respecting the property or income assessable against such party which are required in the Assessment Roll; and if any reasonable doubt is entertained by the Assessor of the correctness of any information given by the party applied to, it shall be the duty of the Assessor to require from him a written statement as aforesaid, and if any such assessable party shall fail to deliver such statement to the Assessor, or one of the Assessors when thereunto required, such person shall thereby forfeit to the Municipal Corporation of the Village, Town, City or Township, the sum of Five Pounds currency, to be recovered as a debt due to such Municipal Corporation in any way in which debts due to it can be recovered; Provided that no such statement shall bind the Assessor or Assessors further than they shall from their personal knowledge, believe the same to be correct, nor shall it excuse them from making due enquiry whereby to ascertain whether it is or is not correct, and notwithstanding such statement, they may assess such party for such amounts of property or income as they may believe to be just and correct, and may omit his name or any property which he claims to own or occupy if they shall have reason to believe him not entitled to be placed on the Roll, or to be assessed for such property.

Proviso: Statements given by parties not binding on Assessors.

Penalty on parties making false statements.

XIX. And be it enacted, That if any person shall have knowingly stated any thing falsely in the written statement required to be made by the preceding Section, he may be summarily convicted thereof before any Justice of the Peace, or other person authorized to act in that capacity, having jurisdiction within the locality, and shall be liable to a fine of not more than Five Pounds.

Parties assessed as Trustees, &c., to have their representative character attached to their names.

XX. And be it enacted, That when a person shall be assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof or for the proper proportion thereof, if others, resident within the same Municipality, be joined with him in such representative character.

Railway Companies to transmit annual statements describing value of their real property to Clerk of Mu-

XXI. And be it enacted, That every Railway Company shall annually transmit to the Clerk of every Municipality in which any part of the road or other real property of such Company is situate, a statement describing the value of all the real property of the Company other than the roadway, and also the actual value of the land occupied by the road in such Municipality, according to the average value of land in the locality, and the Clerk shall communicate the same to the Assessors; and the Assessor or Assessors shall deliver at or transmit by post to any station or office of the Company, a notice of the total amount at which they have assessed the real property of the Company in their Municipality or Ward, distinguishing the value of the land occupied by the road, and the value of all other real property of the Company; and the statement and notice herein mentioned shall for all the purposes of this Act be held to be the statement required by the eighteenth section, and the notice required by the twenty-third section of this Act.

nicipality: and shall be notified of the amount at which they are assessed.

XXII. And be it enacted, That the lands of non-residents who have not required their names to be entered by the Assessor, shall be designated in the same Assessment Roll, but in a part separate from the other assessments, headed "Non-residents' Land Assessments," and in the manner following, that is to say: If the land to be assessed be a tract not known to be sub-divided into lots, it shall be designated by its boundaries or other intelligible description: If it be a tract which is known to be sub-divided into lots, or be part of a tract known to be so sub-divided, the Assessors shall proceed as follows: They shall designate the whole tract in the manner above prescribed with regard to undivided tracts: If they can obtain correct information of the subdivisions, they shall put down in their Assessment Rolls, and in a first column, all the unoccupied lots owned by non-residents, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number as aforesaid, but if it be part of a lot, the part shall be designated by boundaries, or in some other way by which it may be known.

Lands of non-residents how to be designated, and described on the Assessment Roll.

XXIII. And be it enacted, That the Assessors shall also before the completion of their Roll, leave for every party named thereon, and resident or domiciled or having a place of business within the City, Town, Village or Township, and shall transmit by post to every non-resident named thereon, a notice of the actual or yearly value at which his real property, and of the sum at which his personal property or income shall have been assessed by them.

Assessors to give notice to parties of the value at which their properties are assessed.

XXIV. And be it enacted, That the Assessor or Assessors shall make and complete their assessment in every year between the first day

At what time the Assessment Roll shall be completed.

of February and such day as the Municipal Council of the City, Town, Village or Township shall appoint, which day shall not be later than the fifteenth day of April, and on or before the day to be so appointed, the Assessor or Assessors or a majority of them, shall complete the Assessment Roll, and shall severally attach thereto a certificate signed by each of them, and verified upon oath or affirmation, which shall be in the form following:

Certificate to be attached to Roll.

"I do certify that I have set down in the above Assessment Roll, all the real property liable to taxation, situate in the Township, Village or Ward of , (*as the case may be,*) and the true actual (or *yearly*) value thereof, in each case, according to the best of my information and judgment; and also that the said Assessment Roll contains a true statement of the aggregate amount of the personal property of every party named in the said Roll; and that I have estimated the same according to the best of my information and belief; and I further certify that I have entered therein the names of all the resident householders and freeholders, and of all other freeholders who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I have not entered the name of any person whom I do not truly believe to be a householder or freeholder, or the *bonâ fide* occupier or owner of the property set down opposite his name for his own use and benefit."

Assessment Roll to be delivered up to Clerk of Municipality.

Duty of the said Clerk.

XXV. And be it enacted, That the Assessor or Assessors shall deliver the Assessment Roll completed and added up, with the certificates and affidavits attached, to the Clerk of the Municipality; and it shall be the duty of the Clerk to make a copy thereof arranged in the alphabetical order of the surnames, and he shall cause such copy to be put up in some convenient and public place within the Municipality, and to be maintained there until after the meeting of the Court of Revision as hereinafter provided, and the Clerk of each Municipality shall without delay, transmit to the County Clerk a certified copy of the Assessment Roll of his Municipality after the same is finally revised and corrected, after the appeal provided by the twenty-eighth section of this Act.

Proceedings in cases in which parties consider themselves aggrieved by any entry on the Roll, &c.

Court for trying such cases.

XXVI. And be it enacted, That in case any party shall deem himself wrongfully inserted on or omitted from the Roll, or undercharged or overcharged by the Assessor or Assessors in his or their Roll, he or his Agent may, within fourteen days after the time fixed for the return of the Assessors' Roll, give notice in writing to the Clerk of the Municipality that he considers himself aggrieved for any or all of the causes aforesaid, and the subject matter of such complaint shall be tried by a Court of Five Members of the Municipal Council of the City, Town, Village or Township, to be appointed by such Municipal Council, (or, if such Council consists of not more than five members, the members of the Council shall be such Court,) and at such time as the said Court shall appoint; and the Court after hearing the complainant and the Assessor or Assessors and any witness adduced by or on behalf of either of them, upon oath, shall determine the matter and confirm or amend the Roll accordingly, and if either party shall fail to appear either in person or by an agent, such Court may proceed *ex parte:* and any three or more Members of any Court shall be a *quorum*, and any majority of a *quorum* may decide all questions before the Court: and if any Municipal elector shall think that any party has been assessed too low or too high, or has been wrongfully inserted on or omitted from the Roll, the Clerk shall, on his request in writing, give notice to such party and to the Assessor or Assessors, of the time when the matter shall be tried by the said Court, and the matter shall be decided in the same manner as complaints by a party assessed; and the Roll as finally passed by the said Court, and certified by the Clerk as so passed, shall be valid, and shall bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll, except in so far as the same may be further amended on the appeal hereinafter provided; and the Clerk of the Municipality shall post up in some convenient and public place within the Municipality, a list of all complainants on their own behalf against the Assessor's return, and of all complainants on account of the assessment of other parties (stating the names of each) with a concise description of the matter complained against, together with an announcement of the time when the Court to hear such complaints will be held, which list may be in the form given in the schedule appended to this Act marked B; and the Clerk shall also advertise in some newspaper published in the City, Town, Village or Township, or if there be none, then in one published at the nearest place in the County, the time at which the aforesaid Court of Revision will hold its first sitting; and he shall also cause to be left at the residence of each Assessor a list of all the complaints; and he shall cause to be left at the residence or place of business of each party with respect to whom a complaint is made, a notice in the form given in the schedule appended to this Act marked C, or if the party is not known or not resident within the Municipality, then with some grown person on the premises assessed, or addressed to such party through the Post Office; and each such notice hereby required, whether by publication, advertisement, letter or otherwise, shall have been completed at least six days before the sitting of the Court.

Quorum.

Municipal Electors complaining of wrong entries as to other parties.

Effects of Roll as finally passed.

Publication of List of complainants.

Advertisement of time of Courts sitting.

Notice to parties concerned.

XXVII. Provided always, and be it enacted, That any person deem-

Appearance and declaration of

persons deeming themselves, or any person for whom they act, overcharged.

ing himself overcharged on his personal property or that any person for whom he is agent is so overcharged, may appear before the Court of Revision hereinbefore constituted, and may make a declaration in the form following:

> "I, A. B., do solemnly declare that the true value of all the personal property (*or* income) assessable against me, (*or* against me as "Trustee, Guardian, Executor, &c., *or* against C. D. for whom I am "agent, *as the case may be*), after deducting the just debts due by me "(as such Trustee, &c., *or* by C. D.) does not, to the best of my "knowledge and belief, exceed the sum of pounds "currency, (*and if the declaration is made by an agent, add:*) And "that I have the means of knowing, and do know the extent and "value of the personal property assessable against C. D."

False declaration to be perjury.

And the Court of Revision shall thereupon enter the person conplaining at such an amount of personal property or income as is specified in the declaration, and no more; and if any party shall make a wilfully false statement in any declaration so to be made, he shall be guilty of a misdemeanor, and shall be punished as for perjury.

Parties dissatisfied with decision of Court of Revision may appeal to Judge of County Court, and in what manner and on what terms.

XXVIII. And be it enacted, That if any party shall be dissatisfied with the decision of the Court of Revision upon any matter connected with the assessments, such party may, within three days after the decision, serve upon the Clerk of the Municipality a written notice of his intention to appeal to the Judge of the County Court, and the Clerk shall give notice to all the parties appealed against in the same manner as is provided for notice of complaints by the twenty-sixth section of this Act; and the party appealing shall at the same time give a written notice of his appeal to the Clerk of the Division Court for the Division within the limits of which the Municipality may be situate, and he shall deposit with him the sum of Ten Shillings to cover the costs of the appeal, and the Clerk of the Division Court shall cause a conspicuous notice to be posted up at the place where the Division Court is held, containing the names of all the appellants and the parties appealed against, ranged under the several Municipalities, if there be more than one Municipality in the Division, together with the date at which a Court will be held to hear the appeal, which day shall be determined by the Judge of the County Court; and at the Court so to be holden, the Judge shall hear the appeals, and he may adjourn the hearing from time to time and defer the judgment thereon at his pleasure, so that a return can be made to the Clerk of the Municipality before the fifteenth day of July; and the Judge shall transmit his decision to the Clerk of the Division Court, to be by him forthwith transmitted to the Clerk of the

Notice of appeals to be published.

Hearing appeals.

Transmission of decision to Clerk of Municipality;

Costs by whom paid, and how taxed.

Municipality, and such Judgment shall be final, and the Clerk of the Municipality shall amend the rolls according to the Judge's decision, and the costs of the Court, shall in all cases be borne by the Appellants, but each party shall pay his own witnesses, except in the case of wilful fraud or corruption, when the Judge may order all costs to be paid by the party offending; and the costs as aforesaid shall be taxed according to the schedule of fees under the Division Courts, Acts as in suits for the recovery of sums exceeding Ten and not exceeding Fifteen Pounds in the said Courts.

Further powers granted to Court of Revision established by s. 26.

XXIX. And be it enacted, That the Court of Revision constituted by the twenty-sixth section of this Act, shall also have power to receive and decide upon any Petition from any party assessed, for any tenement which shall have remained vacant during more than three calendar months, in the year for which the assessment was made, or from any party who from sickness or extreme poverty shall declare himself unable to pay the taxes, or who by reason of any gross and manifest error in the Roll as finally passed by the Court, shall have been overcharged more than twenty-five per cent. on the sum he ought to have been charged, and to remit or reduce the taxes due by any such party, or to reject such Petition, as to them shall seem meet and right, unless some By-law shall be in force to govern them in this behalf, in which case they shall decide in accordance with such By-law: And the Municipal Council of any City, Town or Township, is hereby empowered to make such By-laws and to repeal or amend the same from time to time.

Court may meet and adjourn from time to time at pleasure.

May summon witnesses.

Penalty on witnesses failing to attend.

Clerk of Court.

Proviso: proceedings to be completed by a certain day.

XXX. And be it enacted, That the said Court shall have full power to meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the Head of the Municipality, and the Court or any member thereof may administer an oath to any party or witness, or may issue a Summons to any witness to attend such Court; and if any witness so summoned shall fail to attend, (being tendered compensation for his time at the rate of Two Shillings and Six Pence a day), he shall incur a penalty not exceeding Five Pounds, to be recoverable, with costs, by and to the use of the Corporation of the City, Town, Village or Township in any way in which penalties incurred under any By-law thereof may be recovered; and the Clerk of the Corporation shall be the Clerk of the said Court: Provided always, that all such duties of the said Court as relate to the revising of the Assessment Rolls according to the provisions of the twenty-sixth section of this Act shall be completed and the Rolls finally revised before the first day of June in every year.

Estimates to be made of sums required for lawful purposes of the Municipality.

By-laws for raising money by rate.

If the amount collected fall short.

If there be an excess.

Proviso.

Proviso.

XXXI. And be it enacted, That estimates shall be made of all sums which may be required for the lawful purposes of any City, Town, Village, Township or County for each year in which such sums are required to be levied, making due allowance in such estimate for the cost of collection and the abatements and losses which may occur in the collection of the tax, and for taxes on non-resident lands which may not be collected, and it shall be lawful for the Council of any such Municipality to pass one By-law or several By-laws authorizing the levying and collection of a rate or rates of so much in the pound upon the assessed value of the property therein, as, in the judgment of such Council, may be sufficient to raise the sum or sums required on such estimate or estimates; and if the amount collected shall fall short of the sums severally estimated to be required for the lawful purposes of such Municipality, the Council thereof may direct the deficiency to be made up from any unappropriated fund belonging to such Municipality, or if there be no such fund, the deficiency may be equally deducted from the several sums estimated to be required, or from any one or more of them, at the discretion of such Council; and if the sums collected exceed the amounts of the several estimates, the balance shall form part of the General Fund of the Municipality, and be at the disposal of the Municipal Council thereof, unless otherwise specially appropriated; Provided always, that if any portion of the whole amount collected for the purposes of any County, City, Town, Village or Township shall have been on account of a special tax upon any particular locality within the same, no less a sum shall in any case be appropriated to such special local object than was actually collected and received from such locality; Provided also, that in Counties and Townships the several rates shall be calculated at so much in the pound upon the actual value of all the real and personal property therein, and in Cities, Towns and Villages at so much in the pound upon the yearly value of such real and personal property.

Assessment Rolls to be examined annually by Municipal Council of the County, for the purpose of equalizing the valuation in the different Municipalities.

XXXII. And be it enacted, That the Municipal Council of each County shall every year, at some period to be fixed at their discretion, but not later than the First day of July, examine the Assessment Rolls of the different Townships, Towns and Villages in the County, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each such Township, Town or Village bears a just relation to the valuation so made in all such Townships, Towns and Villages, and such meeting of the Council may be adjourned from time to time till such duty is completed; and it shall be lawful for such Municipal Council to increase or decrease the aggregate valuations of real property in any such Township, Town or Village, adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations of real estate in such County, but it shall not be lawful for them in any case to reduce the aggregate valuation thereof for the whole County as made by such Assessors: Provided always, that if the Clerk of any Municipality shall have neglected to transmit a certified copy of the Assessment Rolls as hereinbefore required, such neglect shall not prevent the County Council from equalizing the valuations in the several Municipalities according to the best information obtainable, and any rate imposed according to such equalized Assessment shall be as valid as if the Assessment Rolls had been transmitted: Provided also, that in the year 1854, it shall not be necessary for the Municipal Council of any County to examine the Assessment Rolls as hereinbefore provided, but all the rates which should by this Act have been calculated upon the Assessment Rolls as equalized in 1854 as aforesaid, shall be calculated upon the Assessment Rolls as equalized at the meeting of the Municipal Counties of the several Counties required to be held for that purpose on the third Monday in June, of the present year.

Proviso: if Clerk of any Municipality shall have omitted to send copy of Roll.

Proviso: No such equalization required for 1854.

XXXIII. And be it enacted, That the Municipal Council of each County in apportioning any County rate among the different Townships, Villages and Towns within such County, in order that the same may be assessed equally on the whole rateable property of such County, shall make the amount of property returned on the Assessment Rolls as finally revised and equalized, of such Townships, Villages and Towns for the financial year next before that in which such rate shall be so apportioned, the basis upon which such apportionment shall be made; and that in making such apportionment between Townships in which rates are assessable on the actual value of property, and Villages and Towns in which such rates are assessable on the annual value of such property, the sum total of the rentals assessed in such Village or Town shall be calculated to be ten per cent. upon the capital represented, and the capital so ascertained, together with the total actual value of other real property, and the total value of personal property, shall be considered the aggregate valuation of such Town or Village, for the purpose of rating it for any County or Provincial tax: Provided always, that if any new Municipality has been erected or set apart within any County, so that there shall be no Assessment Rolls of such new Municipality for the next preceding financial year, the County Council shall, nevertheless, by examining the Rolls of the former Municipality or Municipalties of which such new Municipality then formed part, ascertain to the best of their judgment, what part of

The apportionment of County rates to be based upon the Assessment Rolls of preceding year.

Apportionment thereof as between Township and Towns, &c.

Proviso as to new Municipalities.

the Assessment of such Municipality had relation the the new Municipality, and what part should continue to be accounted as the Assessment of the original Municipality, and their several shares of the County tax shall be apportioned between them accordingly.

Municipal Council to direct by By-law what part of any sum required for County purposes, shall be levied in any Township, Town, &c.

XXXIV. And be it enacted, That in every case in which any sum is to be levied for County purposes, or by the County for the purposes of any particular locality, the Municipal Council of the County shall ascertain, and by By-law direct what portion of such sum shall be levied in each Township or incorporated Town or Village in such County or locality; and it shall be the duty of the County Clerk before the first day of August in each year to certify to the Clerk of each Township or incorporated Town or Village in his County, the total amount which shall have been so directed to be levied thereon in the then current year for County purposes or for the purposes of any such locality, and the Clerk of the Township, Town or Village shall calculate and insert the same in the Collector's Roll for that year: Provided always, that nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on County Debentures, whether such provisions be contained in the Municipal Corporations Acts of Upper Canada or the Act to establish a Consolidated Municipal Loan Fund in Upper Canada, or in any General or Special Act authorising the issue of Debentures, or in any By-law of the County Council providing for the issuing of the same.

Proviso: not to affect certain special enactments.

A sum of money substituted for Statute Labour in certain cases, in Cities, Towns, &c.

XXXV. And be it enacted, That if any male inhabitant of any City or incorporated Town or Village, of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour) shall not be assessed upon the Assessment Rolls of such City, Town or Village, or if being assessed, his taxes do not amount to ten shillings currency, he shall instead of such labour be taxed ten shillings yearly therefor, to be levied and collected in the same manner as other local taxes for the use of the Corporation of the place. And no such person shall be exempt from the tax herein named by reason of his producing a certificate that he has performed statute labour elsewhere, unless he was actually domiciled out of the limits of the City, Town or Village at the time he so performed statute labour.

Performance of statute labour elsewhere not to exempt.

Statute labour, parties liable, and in what ratio, in Townships.

XXXVI. And be it enacted, That every male inhabitant of any Township, between the ages aforesaid and not otherwise assessed, shall be liable to two days of statute labour on the Roads and highways in such Township: and every party assessed upon the Assessment Roll of any Township, shall, if the property of such party be assessed—

The rates.

At not more than £50, be liable to 2 days of labour;

At more than	£50,	but not more than	£100,	to 3	days' labour;
"	100,	"	150,	4	"
"	150,	"	200,	5	"
"	200,	"	300,	6	"
"	300,	"	400,	7	"
"	400,	"	500,	8	"
"	500,	"	600,	9	"
"	600,	"	800,	10	"
"	800,	"	1000,	12	"
For every	200,	above the sum of	1000,	1	"

Or money payment.

Unless the Municipality of such Township shall have directed by By-law, that a sum of money be paid in commutation of such labour, in which case the tax chargeable against such person in lieu of statute labour shall be added in a separate column in the Collector's Roll, and shall by him be collected and accounted for in the same manner as any other tax; Provided always, that the Municipal Council of every Township may by By-law, to operate generally and rateably, reduce or at their discretion increase the number of days' labour to which all the parties rated on the Assessment Roll or otherwise shall be liable under this Act, so that the number of days' statute labour to which each person shall be liable, shall be in proportion to the amount at which such person is assessed.

Proviso: Council may alter the rates, preserving the proportion.

Payment of tax under s 35 & 36, in lieu of statute labour, may be enforced by distress, or committal.

XXXVII. And be it enacted, That if the Collector shall not be able to collect the sum of ten shillings named in the thirty-fifth, or the tax in lieu of statute labour named in the thirty-sixth sections of this Act, he shall levy the same by distress and sale of the goods and chattels of the party in default, in the same manner as is hereinafter provided for the collection of other taxes; and in case no sufficient distress to satisfy the sum due by such party shall be found, then, it shall and may be lawful for the Head of any such Municipality, or any Justice of the Peace having jurisdiction in the locality, upon complaint that such party appears upon the Collectors' Roll to be rated for such sum, that the same has been duly demanded and that the party has neglected to pay the same, and that no sufficient distress can be found, to issue a Warrant under his Hand and Seal, and to commit the party to the Common Gaol of the County for any time not exceeding six days, unless such sum and the costs of the Warrant hereby authorized to be issued, and the execution thereof shall be sooner paid.

Statute labour performable by non-residents in Townships shall be commuted into money at 2s 6d a day: and how collected and enforced.

XXXVIII. And be it enacted, That in Townships the statute labour against non-residents in respect of their property shall be commuted at the rate of two shillings and six pence currency, for each days' labour, or such other sum as may have been determined by the Municipal Council of the Township, as the rate of commutation for residents; And no non-resident whose name is not entered on the Assessment Roll shall be admitted to perform statute labour in respect of any land owned by him, or in liquidation of the commutation money charged against the same, and such commutation shall be charged against each such separate lot or parcel according to its assessed value, and shall as hereinafter provided be entered in a Roll by the Clerk of the Municipality and transmitted to the Treasurer of the County, to be by him collected in the same manner as any other tax; but any non-resident who has required his name to be inserted on the Assessors' Roll shall be admitted to perform statute labour as a resident, and shall be liable to a fine for the non-performance thereof as if he were a resident, and if he shall not have performed his statue labour, or paid commutation for the same, the Overseer of Highways, in whose division he was placed, shall return him as a defaulter to the Clerk of the Municipality before the first day of September, and the Clerk shall in that case enter the commutation for statute labour against his name in the Collectors' Roll, and if at any time before the first day of May next ensuing, any owner of non-residents' land which shall have been returned as such to the Treasurer of the County, shall have given in writing to the Treasurer a list of the lands owned by him in the Municipality, and shall have tendered to him the taxes in full on such land and the just commutation money as herein provided, he shall be liable to the commutation for statute labour only upon the aggregate value of all the lands owned by him in such Municipality, but after the first day of May as aforesaid, no change shall be made in the commutation for statute labour charged against each separate parcel, in consequence of several such parcels being owned by the same party.

As to non-residents who have required their names to be entered on the Roll.

Clerk of the Municipality to make out a Collector's Roll: its form and contents,

XXXIX. And be it enacted, That it shall be the duty of the Clerk of every City, Town, Village or Township, to make out a Collector's Roll for the Township or Village, or for each Ward in the City or Town, as the case may be, on which shall be set down the name in full of each party assessed, and the correct assessed value of the real and personal property of each party, and all the values so set down shall be those ascertained after the final revision of the assessments as hereinbefore provided, and he shall also calculate and set down the amount for which each party is chargeable, for any sum or sums ordered to be levied by the Municipal Council of the County for County purposes, under the head of "County Rate," and he shall also calculate and set down on the Roll, in a separate column, opposite to the names and lots therein, the amount with which such party is chargeable for any sum or sums ordered to be levied by the Municipal Council of the Township, Village, Town or City, for Township, Village, Town or City purposes, or for commutation of statute labour; and which column shall be headed "Township Rate," "Village Rate," "City Rate," or "Town Rate," as the case may be, and whenever there shall be any special rate for collecting the interest upon Debentures issued, or any local rate or school rate or any other special rate, the proceeds of which are required by law or by the By-law imposing it to be kept distinct and accounted for separately, each such rate shall be calculated separately, upon the revised assessments, and shall be in a column headed, "Special Rate," "Local Rate," "School Rate," or as the case may be, and all moneys to be assessed, levied and collected under the authority of the Act passed in the Session held in the thirteenth and fourteenth year of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and under which any moneys raised by local assessment or taxes are payable to the Receiver General of the Province, or to any other Public Officer of this Province, for the Public uses of the Province, or for any special purpose or use mentioned in such Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the Collector's Rolls in a separate column headed "Asylum Rate," or as the case may be, and the Clerk shall deliver the Roll so made certified under his Hand, to the Collector on or before the first day of October, or such other day as may be prescribed by any By-law of the Municipality.

Public taxes under 13 & 14 V. c. 68, or any other Act, to be assessed, collected in the same manner as local rates.

Clerk to make out another Roll of lands of non-residents whose names are not in the Assessment Roll: and transmit it to County Treasurer or City Chamberlain.

XL. And be it enacted, That it shall be the duty of the Clerk of every City, Town, Village or Township, to make out a Roll in which he shall enter the lots, parts of lots or parcels of land assessed against non-residents, whose names have not been set down in the Assessor's Roll, together with the true valuation of each parcel as finally ascertained after the revision of the Assessment Rolls, and he shall enter opposite to each lot or parcel all the rates or taxes with which the same are chargeable by any By-law of the Municipality or of the County, or by any Act of the Legislature, in the same manner as is hereinbefore provided for the rates and taxes to be calculated and entered upon the Collector's Roll; and he shall transmit the Roll so made out, certified under his Hand to the Treasurer of the County in which his Municipality is situate, or to the City Chamberlain, as the case may be, at the same time as is prescribed for the delivery of his Roll to the Collector.

Duties of Collectors on receiving Collection Rolls.

XLI. And be it enacted, That every Collector upon receiving his Collection Roll, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the party taxed, or at the place of his usual residence or domicile or place of business, if within the Township, Village, Town or City in and for which such Collector has been appointed, and shall demand payment of the taxes charged on the property of such party; and if any person whose name appears on his Roll shall not be resident within the Municipality, he shall transmit to him by post a statement and demand of the taxes charged against him in the Roll, and the Collector shall not receive any money on account of any lands not set down on his Roll.

If payment be not made, Collectors to levy the tax by distress and sale.

XLII. And be it enacted, That in case any party shall refuse or neglect to pay the taxes imposed upon him for the space of fourteen days after such demand made as aforesaid, the Collector shall levy the same with costs, by distress and sale of the goods and chattels of the party who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the Township, Village, Town or City in which he is the Collector; and at any time after one month from the date of the delivery of the Roll to him, the Collector may make distress of any goods and chattels which he may find upon any of the land of non-residents on which the taxes inserted against the same on his Roll have not been paid; and no claim of property, lien or privilege thereupon or thereto, shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

Public notice of sale to be given: and in what manner.

XLIII. And be it enacted, That the Collector shall give public notice of the day of sale, and of the name of the party whose property is to be sold, or in case of a non-resident whose name is not known to the Collector, of the number and description of the lot on account of the taxes on which the distress was made, which notice shall be given at least six days previous to the sale, by advertisement posted up in at least three public places in the Township, Village or Ward wherein such sale shall be made; and the sale shall be made by public auction.

Surplus to be paid, if unclaimed, to the party in whose possession the goods were.

XLIV. And be it enacted, That if the property distrained shall be sold for more than the whole amount of the taxes and costs, the surplus shall be returned to the party in whose possession such property was when the distress was made, if no claim to such surplus shall be made by any other party, on the ground that the property sold belonged to him, or that he is entitled by lien or privilege to such surplus; and if any such claim be made and be admitted by the party for whose taxes the same was distrained, the surplus shall be paid to such owner, but if such claim be contested, the surplus money shall be paid over by the Collector to the Township, Village, or Town Treasurer or City Chamberlain, who shall retain the same until the respective rights of the parties shall be determined by action at law or otherwise.

If the right to such surplus be contested.

Proceedings in case of removal of parties assessed, and their neglect or refusal to pay.

XLV. And be it enacted, That if any party against whom any tax now is or hereafter shall be assessed in any Township, Village, Town or City, shall not be resident within the Municipality, or shall have removed out of the same after such assessment, and before such tax shall have been collected, or if any party shall neglect or refuse to pay any tax which now is or hereafter shall be assessed in any Township, Village, Town or City within the County in which he shall reside, and payable by him, it shall be lawful for the Collector of such Township, Village, Town or City, to levy and collect such tax with costs by distress and sale of the goods and chattels of the party aforesaid, in any Township, Village, Town or City, which for judicial purposes shall be within the same County, and to which such party shall have so removed, or in which he shall reside, or if any goods or chattels in his possession therein, and if in any case the taxes payable by any party cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the City, Town, Township or Village in a competent Court in this Province; and the production of a copy of so much of the Collector's Roll as shall relate to the taxes so payable by such party, purporting to be certified as a true copy by the Clerk of such City, Town, Township or Village, shall be *primâ facie* evidence of the debt; and the taxes accrued or to accrue on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrances of any party except the Crown, and shall not require registration to preserve it.

Taxes not otherwise recoverable may be recovered by common action.

Copy of Collector's Roll to be *primâ facie* evidence of amount due.

Taxes to be a special lien on the land.

Collector to return his Roll and pay over proceeds on the day to be appointed by Municipal Council.

XLVI. And be it enacted, That on or before the fourteenth day of December, in each year, or on such other day in each year as the Municipal Council of the County shall have appointed, which day shall not be later than the first of March next following, it shall be the duty of each Collector to return his Collection Roll to the Treasurer of the Township, Village or Town, or City Chamberlain, and to pay over the amount payable to such Treasurer or Chamberlain, specifying how much of the whole amount paid over is on account of each rate entered in a separate column on his Collection Roll.

XLVII. And be it enacted, That if any of the taxes mentioned in

Proceeding if

any taxes are returned as unpaid.

the Collector's Roll shall remain unpaid, and the Collector shall not be able to collect the same, he shall deliver to the Township, Village or Town Treasurer, or City Chamberlain, an account of all the taxes remaining due on the said Roll; and in such account the Collector shall shew, opposite to each separate assessment, the reason why he could not collect the same, by inserting in each case the words "non-resident" or "no property to distrain" as the case may be, and upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums, whereon he could levy the same, he shall be credited with the amount thereof.

Lists of lands granted or leased, &c., to be furnished annually to County Treasurer by Commissioner of Crown lands.

XLVIII. And be it enacted, That the Commissioner of Crown Lands shall, during the month of January in every year, after the passing of this Act, transmit to the Treasurer of every County, a list of all the Lands within the said County granted or leased or in respect of which a license of occupation has issued during the preceding year, and of all ungranted Lands of which no person has received permission to take possession, and also of all lands on which instalments of purchase money or rent or any other sum of money shall be over-due and unpaid, a copy of which the Treasurer is hereby required to furnish to the Clerk of each Municipality in the County as far as regards lands in such Municipality; and the said Clerks shall furnish to the Assessors a statement shewing what Lands are liable to Assessment within their Assessment Districts, respectively.

Correct copies of Collector's Roll to be furnished by Treasurer of Municipality to Treasurer of County, as far as regards lands.

XLIX. And be it enacted, That it shall be the duty of the Treasurer of each Municipality, within fourteen days after the time determined as hereinbefore provided for the return and final settlement of the Collector's Roll, to furnish the Treasurer of the County with a correct copy of such Roll, so far as the same relates to all the lands of the Municipality, distinguishing the rates with which they may be chargeable and the sums paid, and if any such rates only affect lands in a certain locality, with a description of such locality, and also with an account of all arrears remaining due upon lands on account of any rate imposed by School Trustees, and generally with any other information which the Treasurer of the County may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in such Township for that year.

After Collector's Roll has been returned, collection of arrears

L. And be it enacted, That from and after the time when the Collector's Roll has been returned to the Township Treasurer, no more money shall be received on account of the arrears then due by any officer of the Municipality to which such Roll relates; but the collection of such arrears shall belong to the Treasurer of the County alone, and he shall receive payment of any such arrears and of all the taxes on lands of non-residents hereinbefore required to be returned and certified to him by the Clerk of each Municipality, and he shall give a receipt therefor, specifying the amount paid, the period for which it is paid, the lot or parcel of land upon which it is paid, and the Concession and Township, in which such land lies, and the date of payment, and the Treasurer shall not receive any part of the tax charged against any parcel of land, unless the whole arrears then due be paid, or satisfactory proof be produced of the previous payment or erroneous charge, of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been sub-divided, he may receive the proportionate amount of the tax chargeable upon any of the sub-divisions, and leave the other sub-divisions chargeable with the remainder, and the Treasurer shall on demand made, give to the owner of any land charged with arrears of taxes, a written statement of such arrears at that date, and he shall be authorized to charge One Shilling for the search on each separate lot or parcel, but the Treasurer shall not make any charge for search to any person who shall forthwith pay the taxes, or who shall transmit to the Treasurer a schedule of his lands for the purpose of ascertaining the amount of taxes thereon, provided he shall pay the taxes within one month after being furnished with a statement of the amount thereof.

to belong to Treasurer of County only.

He shall not receive part of the taxes due on any land;

But he may receive those on any subdivision of a lot established to his satisfaction.

Fees.

LI. And be it enacted, That it shall be the duty of the Treasurer of every County to keep books in which he shall enter under the heading of each Municipality in his County, all the lands in such Municipality, on which it shall appear from the returns made to him by the Clerk of the Municipality, and from the Collector's Roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall on the first day of May in every year, complete and balance his books by entering against each parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year, which may remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

Lands on which taxes remain unpaid, to be entered in books kept for the purpose, by the County Treasurer, &c.,

Books to be made up and balanced yearly.

LII. And be it enacted, That if it shall appear to the Treasurer at the settlement to be made on the first day of May as aforesaid, that any parcel of land liable to assessment has not been assessed, it shall be the duty of the Treasurer to report the same to the Clerk of the Municipality, and it shall be lawful for the Clerk of such Municipality to enter such parcel of land on the Collector's Roll of the following year or the Roll of non-residents, as the case may be, as well for the

Proceedings where any land shall be found not to have been assessed in any year.

arrears omitted as for the tax of that year; and if it shall appear to the Treasurer that any parcel of land assessed has not been included in the Collector's Roll, in the return made to him by the Clerk, or that having been included in the Collector's Roll, the tax thereon has not been paid, he shall be authorized to insert such parcel of land, and the just tax thereon, in his books; or if it shall appear that any parcel of land has been placed on the return of non-resident lands made to him, which is not liable to assessment, or which has also been placed upon the Collector's Roll and the tax thereon has been paid, he shall be authorized to erase such tax from his books, and may otherwise correct any palpable error or any error which may from time to time be certified to him by the Clerks of the several Municipalities; but if any person shall produce to him in satisfaction of a tax, any paper purporting to be a receipt of any Collector, School Trustee or other Town, Village or Township Officer, he shall not accept such proof, until he shall have received a report upon the same from the Clerk of the Municipality interested, certifying the correctness thereof.

And if any lot has not been included in Collector's Roll.

As to pretended receipts, &c.

Ten per cent. to be added to arrears yearly.

LIII. And be it enacted, That at the balance to be made on the first day of May in every year, if it shall appear that there is any arrear of tax due upon any parcel of land, the Treasurer shall add to the whole amount then due, ten per cent. thereon.

If there be distress upon lands of non-residents, County Treasurer may authorize Sheriff to levy.

LIV. And be it enacted, That it shall be lawful for the County Treasurer, whenever he shall be satisfied that there is distress upon any lands of non-residents in arrear for taxes, to issue a warrant under his hand and seal to the Sheriff of the County, who shall thereby be authorized to levy the amount due upon any goods and chattels found upon the land, in the same manner and subject to the same provisions as are contained in the forty-second, forty-third and forty-fourth Sections of this Act, with respect to distress made by Collectors.

Arrears of taxes on lands remaining due for five years to be levied by warrant of the Treasurer to Sheriff, commanding him to levy the same.

LV. And be it enacted, That whenever a portion of the tax on any land has been due for five years, the Treasurer of the County shall issue a Warrant under his hand and seal directed to the Sheriff of the County, commanding him to levy upon the said lands for the amount of arrears due thereon with his costs, and after the issuing of the Warrant, the Treasurer shall receive no payment on account of the sums contained in the Warrant; Provided always, that the Municipal Council of the County may, at their discretion, direct that no such Warrant shall issue to the Sheriff until some portion of the arrears shall have been due for such other period longer than five years as the said Council may by By-law prescribe, and also that they may direct such parcels of land only to be included in the warrant as are chargeable with

Proviso: County may extend the period, &c.

an arrear of tax exceeding a certain sum to be determined by such Council.

Distinction to be made in such warrant and Sheriff's advertisement, between lands leased by the Crown and those granted by Patent.

LVI. And be it enacted, That the Treasurer in the Warrant hereinbefore required to be issued shall distinguish such Lands as have been patented from those which are under a lease or license of occupation, and of which the fee still remains in the Crown; and the Sheriff in the advertisements hereinbefore required shall similarly distinguish the Lands patented from those the fee of which is in the Crown, and if he shall sell any of the latter Land he shall only sell the interest therein of the lessee or locatee and it shall be so distinctly expressed in the conveyance to be made by the Sheriff, and such conveyance shall give the purchaser the same rights in respect of the Land as the original lessee or locatee enjoyed, and shall be valid without requiring the assent of the Commissioner of Crown Lands.

Proceedings to be taken by Sheriff on receipt of warrant.

LVII. And be it enacted, That immediately upon receipt of the Warrant, the Sheriff shall prepare a list of all the lands included therein, and the amount of arrears due on each parcel, and shall cause the same to be published for the space of three months in the government *Official Gazette*, and in some one newspaper published within the County, or if none be so published, in some newspaper published in an adjoining County, which advertisement shall contain a notification that unless the arrears be sooner paid, he will proceed to sell the said lands for the taxes, on some day to be named in the advertisement, which day shall be more than three months after the first publication thereof, and he shall add to all the arrears so published, their proportionate shares of the cost of publication according to their amounts respectively, and the Sheriff shall also post a notice similar to the advertisement hereby required, in some convenient and public place at the Court House of the said County, at least three weeks before the time of sale.

Advertisement.

Costs.

Posting up notice.

In case of distress being found on the lands, Sheriff to levy thereon.

LVIII. And be it enacted, That at any time after the receipt of the Warrant, if the Sheriff shall have good reason to believe that there is distress upon any parcel of land included therein, he shall levy the arrears of taxes and the costs by distress and sale of any goods and chattels found on the land in the same manner and subject to the same provisions as is hereby required by the forty-second, forty-third, and forty-fourth sections of this Act; but no subsequent sale of any such parcel of land by the Sheriff shall be held to be illegal or invalid by reason of there having been any goods and chattels thereon before or at the time of the sale, and the Sheriff having neglected to levy the tax by the distress and sale of the same.

Proviso.

Mode in which the lands shall be sold by the Sheriff.

LIX. And be it enacted, That if the taxes shall not have been previously collected, or if no person shall appear to pay the taxes at the time and place appointed for the sale, the Sheriff shall sell by Public Auction, so much of such lands as shall be sufficient to discharge such taxes, and all lawful charges incurred in and about such sale, and the collection of such taxes, selling in preference such part of such real estate as he may consider it most for the advantage of the owner to sell first, and stating distinctly in the certificate to be delivered by him to the purchaser, what part of the Lot is so sold, or that the whole Lot or estate is so sold, as the case may be, and within one month after the date of the sale the Sheriff shall make a detailed return to the Treasurer of each separate parcel of land included in the Warrant, and shall pay to him the money levied by virtue thereof. And if at the time appointed for the sale no bidders shall appear, the Sheriff may adjourn the sale from time to time at his discretion, and if the purchaser of any parcel of land shall fail on demand to pay to the Sheriff the amount of the purchase money, the Sheriff may forthwith proceed to put up such property for sale again.

Sheriff's return.

If there be no bidders.

Sheriff selling, to give purchasers a certificate of land sold.

LX. And be it enacted, That the Sheriff selling any lands for taxes, shall give a certificate under his hand to the purchaser, describing the land sold, the quantity of such land, the sum for which it was sold and the expenses of sale, and stating that a Deed conveying the same to such purchaser will be executed by the Sheriff on his demand, at any time after the expiration of one year from the date of such certificate, if the land be not previously redeemed.

Purchaser of lands sold for taxes, to be deemed owner thereof for certain purposes on receipt of Sheriff's certificate.

LXI. And be it enacted, That the purchaser of any land sold for taxes under this Act, shall, on receipt of the Sheriff's certificate of sale, become the owner thereof, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but may use the same without deteriorating its value; Provided always, that from and after tender to the Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Proviso.

Taxes now due may be collected under this Act, notwithstanding failure to sell or advertise as required by assessment Act of 1850.

LXII. And be it enacted, That if at the time when this Act shall come into force no advertisement or sale of land for arrears of taxes shall have taken place in any County at the time required by the Upper Canada Assessment Act of one thousand eight hundred and fifty, the sales of such lands thereafter shall not on that account be illegal, but all arrears of taxes and the expenses of advertising (if any) may be collected under this Act, and on non-payment thereof, any parcel of such lands, as soon as any part of the tax thereon has been five years in arrear, may be sold according to the provisions of this Act.

LXIII. And be it enacted, That every Sheriff shall be entitled to receive five per cent. commission upon all sums collected by him under any Warrant hereinbefore required to be issued by the Treasurer of the County, and whenever any distress of goods and chattels is made by the Sheriff under such Warrant, he may proceed to sell the same in the same manner and subject to the same provisions as are contained in the forty-second, forty-third and forty-fourth Sections of this Act, with respect to distress made by a Collector, and he may charge Ten Shillings for each distress and sale; and whenever any land is sold by a Sheriff according to the provisions of the fifty-ninth Section of this Act, he may receive the sum of Five Shillings for the sale of each separate parcel, and the Sheriff may add the commission and fees which he is hereby authorized to charge for the services above mentioned, to the amount of arrears included in the Treasurer's Warrant on those lands in respect of which such services were severally performed, and he shall be entitled to no other fees or emoluments whatever, for any services rendered by him relating to the collection of arrears of taxes on lands: Provided always, that if the Sheriff cannot give a sufficient description of any land sold by him without a search in the Registrar's Office to ascertain the description and boundaries of the whole parcel as returned to him in the Treasurer's Warrant, he shall in addition to the charges hereinbefore authorized be entitled to charge the fee for the necessary search.

Sheriff to receive 5 per cent. commission on moneys by him collected.

Fees for distress and sale, &c.

May be added to amount in warrant.

No other fees payable.

Proviso: expenses of search in Registrar's Office.

LXIV. And be it enacted, That the owner of any real estate which may hereafter be sold for non-payment of taxes, or his heirs, executors, administrators or assigns, may at any time within one year from the day of sale, redeem the estate sold by paying or tendering to the County Treasurer, for the use and benefit of such purchaser or his legal representative, the sum paid by him, together with ten per cent. thereon, and the said Treasurer shall give to the party paying such redemption money, a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

Owners may within one year redeem estate sold, by paying purchase money and 10 per cent. thereon.

LXV. And be it enacted, That if the land be not redeemed within the period hereinbefore allowed for its redemption, the Sheriff shall, on the demand of the purchaser, at any time after the expiration of the said period of one year, and on payment of the sum of Five Shillings to him by such purchaser, execute and deliver a Deed of Sale of such land

After expiration of year allowed for redemption, Sheriff to deliver a Deed of sale of land to purchaser

Certificate for registration.

Fee to Registrar.

to the purchaser, his heirs and assigns; and such Deed shall state the date and cause of the sale and the price, and shall describe the land by its situation, boundaries and quantity, and shall have the effect of vesting the land in the purchaser, his heirs and assigns in fee simple, free and clear of all charges and incumbrances thereon, except taxes accrued since those for the non-payment whereof it was sold; and the Sheriff shall also give the purchaser a Certificate of the execution of such Deed, containing the particulars aforesaid, under his hand and seal, which for the purpose of registration of the Deed in the Registry Office of the proper County shall be deemed a Memorial thereof, and the Deed shall be registered, and Certificate of the Registry thereof granted by the Registrar on production to him of the Deed and Certificate, and without further proof; and the Registrar shall, for the Registry and Certificate thereof, be entitled to Three Shillings and Six Pence, and no more.

Registrar of Counties to register Sheriff's Deeds of lands sold for taxes before 1851, under Act of U. C. 6 G. 4, c. 7;

Notwithstanding repeal of that Act by 13 & 14 Vic. c. 66.

LXVI. And be it enacted, That the Registrar of every County shall register any Sheriff's Deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, according to the provisions of the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His Majesty George the Fourth, and intituled, *An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments, by providing under certain restrictions, for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged,* notwithstanding the repeal of the said Act by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to repeal the Acts and provisions of law relative to Assessments and matters connected therewith in Upper Canada.*

Sheriff to enter in a book description of lands conveyed to purchasers by him.

LXVII. And be it enacted, That the Sheriff shall enter in a book, to be furnished by the County, a full description by metes and bounds, of each parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, which book shall be returned to the Treasurer after the aforesaid entries are made, and shall by him be kept, together with all copies of Assessors' and Collectors' Rolls and other documents relating to non-resident lands, amongst the records of the County.

Non-Resident Land Fund established in each County, and of what it shall consist.

LXVIII. And be it enacted, That all the moneys which may at any time be received by the County Treasurer on account of the taxes on non-resident lands in any Municipality in the County, whether the same be paid to him directly or be levied by the Sheriff, shall be and constitute a distinct and separate fund, which shall be called the "Non-Resident Land Fund" of such County, and the Treasurer shall open an account for each Municipality with the said fund; and if any two or more Municipalities having been united for Municipal purposes are afterwards disunited, or if any Municipality or part of Municipality shall hereafter be added to or detached from any County or to or from any other Municipality, the Treasurer shall make such corresponding alterations in his books, as that any arrears due on account of any parcel or lot of land at the date of the alteration, shall be placed to the credit of the Municipality within which the land after such alterations shall be situate; and if any union of Counties shall be about to be dissolved, all the taxes on non-residents' land imposed by By-laws of the Provisional Municipal Council of the Junior County, shall be returned to and collected by the Treasurer of the United Counties, and not by the Provisional Treasurer, and the Treasurer of the United Counties shall open on account forthwith for the Junior County with the non-resident land fund.

Counties united and afterwards disunited.

If any union be about to be dissolved.

All arrears to form one charge upon the lands subject to them, &c.

LXIX. And be it enacted, That the Treasurer of the County shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears from whatever rates arising shall be taken together and form one charge on the land, and each Municipality in paying over any school or local rate, or its share of the Lunatic Asylum tax or of any County rate, shall supply out of the general funds of the Municipality any deficiency arising from the non-payment of any tax on land, and all sums which may at any time be paid to any Municipality out of the Non-Resident Land Fund of the County, shall form part of the general funds of such Municipality; Provided always, that the several Municipalities shall not be held answerable for any deficiency arising from abatements or inability to collect any tax on personal property.

Deficiencies in certain taxes to be supplied by the Municipality.

Proviso.

LXX. And be it enacted, That it shall be lawful for the Municipal Council of the County from time to time, by By-law, to authorize the Warden to issue Debentures upon the credit of the said Non-Resident Land Fund for sums not less than Twenty-five Pounds each, so that the whole of the Debentures, at any time issued and unpaid, shall not exceed two thirds of all the arrears then due and accruing upon the lands in the County, together with such other sums as may be in the

Debentures may be issued on the credit of the non-Resident Land Fund, &c.

Treasurer's hands, or otherwise invested to the credit of the said fund; and such Debentures shall be negociated by the Warden and Treasurer of the County, and the proceeds shall be paid into the said fund, and the interest thereon, and the principal, as they fall due, shall be payable out of the said fund, and such Debentures shall in no case be at a longer date than eight years.

By whom to be negotiated.

Payment of interest on such Debentures provided for.

LXXI. And be it enacted, That if at any time it shall occur, that there shall not be in the Non-Resident Land Fund moneys sufficient to pay the interest upon any Debenture, or to redeem the same when due, such interest or Debentures shall nevertheless be payable out of the General County Funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other County Debentures.

Surplus of the non-Resident Land Fund to be divided among municipalities.

LXXII. And be it enacted, That it shall be lawful for the Municipal Council of the County, from time to time, to pass By-laws apportioning the surplus moneys in the Non-Resident Land Fund amongst the several Municipalities, rateably according to the moneys received and arrears due on account of the non-Resident lands in each Municipality; but such apportionment shall always be so limited that the Debentures unpaid shall never exceed two thirds of the whole amount to the credit of such fund.

Treasurer's per centage or salary how paid.

LXXIII. And be it enacted, That the Treasurer shall not be entitled to charge to, or receive from the person paying taxes, any per centage thereon, but may receive from the fund such per centage upon all moneys in his hands, or such fixed salary in lieu thereof, as the County Council may by By-law direct.

Annual statement of the said Fund to be submitted to the County Council by the Treasurer: what it shall shew.

LXXIV. And be it enacted, That it shall be the duty of the County Treasurer to prepare and submit to the County Council at its first Session in January every year, a Report, certified by the Auditors, of the state of the Non-Resident Land Fund, which Report shall contain an account of all the moneys received and expended during the year ending on the thirty-first of December next preceding, distinguishing the sums received on account of and paid to the several Municipalities, and received and paid on account of interest or Debentures negotiated or redeemed, and the sums invested and balance in hand; a list of all Debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in each Municipality, and the amount due on Lands then advertised, for sale, and which by law may be advertised during the ensuing year; and it shall be the duty of the Warden to cause a copy of such Report to be transmitted to the Provincial Secretary for the information of the Governor General.

Copy to be transmitted to Provincial Secretary.

Interpretation of certain words, in foregoing sections.

LXXV. And be it enacted, That whenever in the foregoing Sections providing for the collection, funding and management of the arrears of taxes on the land of non-Residents, the words, "County," "Treasurer" and "Sheriff" occur, such words, as far as relates to the collecting, funding and managing the arrears of taxes on the lands of non-Residents in Cities, shall be held to mean respectively, "City," "Chamberlain" and "High Bailiff."

Treasurers and Collectors to give security, and how.

LXXVI. And be it enacted, That every Township, Village, Town or County Treasurer, or City Chamberlain, and every Collector, before entering upon the duties of his office, shall enter into a bond with two or more sufficient sureties, in such sum as the Municipal Council of the County or the Township, Village, Town or City Council shall require by any By-law to be passed in that behalf, and in the manner required by such By-law, and in conformity to all the provisions thereof, and such sureties shall be to the satisfaction of such Municipal Corporations respectively, and such bond shall be to the Township, Village, Town, City or County by its corporate name, and shall be conditioned for the faithful performance of the duties of such Treasurer, Chamberlain or Collector.

Penalty on Assessors or Clerks failing to perform their duty: and how such penalty shall be enforced.

LXXVII. And be it enacted, That if any Assessor or Clerk shall refuse or neglect to perform any of the duties required of him by this Act, he shall, for every such offence, upon conviction thereof before the Recorder's Court of any City, or before the Court of General Quarter Sessions of any County in which he shall be Assessor or Clerk, forfeit the sum of Twenty-Five Pounds to Her Majesty, Her Heirs and Successors; and if any Assessor shall neglect, or from any cause omit to perform his duties, the other Assessor or Assessors for the same locality, if there be more than one, or either of them, shall, until a new appointment, perform his duties, and shall certify upon their Assessment Roll the name of such delinquent Assessor, and shall state, if he or they know it, the cause of such omission.

Other Assessors may act for those in default.

Punishment of Clerks, Assessors or Collectors making any fraudulent assessment, collection, &c.

LXXVIII. And be it enacted, That if any Clerk, Assessor or Collector, acting under this Act, shall make any unjust or fraudulent assessment or collection, or copy of any Assessor's or Collector's Roll, or shall wilfully and fraudulently insert the name of any person who should not have been entered in such Roll, or omit the name of any person who should have been entered in such Roll, according to the true intent and meaning of this Act, or shall wilfully omit any duty required of him by this Act, he shall be guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, he shall be liable to a fine not exceeding Fifty Pounds (and to imprisonment until the fine shall be paid,) or to imprisonment in the Common Gaol of the County or City, for a period not exceeding six calendar months, or to both, in the discretion of the Court whose duty it shall be to pass the sentence of the law on such offender; and proof to the satisfaction of the Jury, that any real property was assessed by such Assessor at an actual or yearly value, greater or lesser than its true actual or yearly value, by thirty per centum thereof, shall be *primâ facie* evidence that such assessment was fraudulent and unjust, and the Assessor convicted of having made any fraudulent and unjust assessment, shall be sentenced to the greatest punishment, both of fine and imprisonment, allowed by this Act.

Evidence of such fraud.

Proceedings for compelling Collectors or Treasurers to account for or pay over moneys in their hands, by warrant to Sheriff or High Bailiff.

LXXIX. And be it enacted, That if any Collector shall refuse or neglect to pay to the Township, Village or Town Treasurer or City Chamberlain, or to such other person as shall be legally authorized to receive the same, the sums contained on his Roll, or duly to account for the same as uncollected, the Treasurer of the Municipality or City Chamberlain shall, within twenty days after the time when such payments ought to have been made, issue a Warrant under his hand and seal, directed to the Sheriff of the County, or to the High Bailiff of such City, commanding him to levy such sum as shall remain unpaid and unaccounted for, with costs, of the goods, chattels, lands and tenements of such Collector or his sureties, and to pay to the Treasurer of the Municipality or City Chamberlain, the sum so unaccounted for, and to return such Warrant within forty days after the date thereof, which Warrant the said Treasurer or Chamberlain shall immediately deliver to the Sheriff of the County or High Bailiff of the City, as the case may require.

Sheriff, &c., to execute such Warrant

LXXX. And be it enacted, That the Sheriff or High Bailiff to whom the Warrant is directed, shall, within such forty days, cause the same to be executed, and make return thereof to the Treasurer or City Chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation which the Collector would have been entitled to retain.

Sheriff or High Bailiff neglecting to levy under such Warrant, &c., to be responsible therefor, and mode of enforcing such responsibility.

LXXXI. And be it enacted, That if any Sheriff or High Bailiff shall refuse or neglect to levy such money, or any money which he shall be commanded to levy in any Warrant lawfully issued under this Act by any Treasurer or Chamberlain, or to pay over the same, or shall make a false return to such Warrant, or neglect or refuse to make any return, or shall make an insufficient return, it shall and may be lawful for the Treasurer or Chamberlain, to make application in a summary manner upon affidavit of the facts, to either of the Superior Courts of Common Law Jurisdiction in Upper Canada in term time, or to any Judge of either of the said Courts in vacation, for a Rule or Summons calling upon such Sheriff or High Bailiff to answer the matter of such affidavit, which said Rule or Summons shall be returnable at such time as the Court or Judge shall direct; and upon the return of such Rule or Summons, it shall and may be lawful for the Court or Judge to proceed in a summary manner upon affidavit, and without formal pleadings, to hear and determine the matters of such application; and if the Court or Judge shall be of opinion that the Sheriff or High Bailiff has refused or neglected to levy such money, or to pay over the same, or has made a false return or neglected or refused to make any return, or has made an insufficient return, it shall and may be lawful for the Court or Judge, and the Court or Judge is hereby required to order the proper officer of such Court to issue a Writ of *Fieri Facias* adapted to the case, directed to a Coroner of the County in which the said City or other Municipality is situate, which said Writ shall direct the said Coroner to levy of the goods and chattels of the said Sheriff or High Bailiff, such sum as such Sheriff or High Bailiff may have been ordered to levy by the Warrant of the said Treasurer or City Chamberlain, together with the costs of such application and of execution; and such Writ shall bear date on the day of issuing the same, whether in term or in vacation, and shall be returnable forthwith, and the Coroner executing any such Writ shall be entitled to the same fees and no more, as upon a Writ grounded upon a judgment of the Court.

Fees to Coroner.

Penalty on Sheriff, or High Bailiff wilfully neglecting his duty under this Act.

LXXXII. And be it enacted, That if any Sheriff or High Bailiff shall wilfully omit to perform any duty required of him by this Act, and no other penalty be hereby imposed for such omission, he shall be liable to a penalty of Fifty Pounds, to be recovered from him in any Court of competent Jurisdiction at the suit of the Treasurer of the County or Chamberlain of the City; and the said penalty, as well as any penalties recovered under the preceding sections, shall be paid to the Treasurer or Chamberlain for the uses of the Municipality or City respectively.

Application of Penalty.

Moneys leviable under the U. C. Public Building Act, 13 & 14 V. c. 64, to be assessed, &c., in like manner as other local taxes.

LXXXIII. And be it enacted, That all money to be assessed, levied and collected under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and under which, any moneys raised by local assessment or taxes are payable to the Receiver General of the Province, or to any other Public Officer of this Province, for the public uses of the Province or for any special purpose or use mentioned in such Act, shall be assessed, levied and collected by and accounted for and paid over to the same persons and in the same manner and at the same time, as local taxes, rates or assessments imposed on the same property for County or City purposes: and any such moneys as aforesaid shall in Law and Equity be deemed and taken to be moneys collected for such County or City so far as to charge every Collector, Chamberlain or Treasurer with the same, and to render him and his sureties responsible for the same and for every default or neglect of such Collector, Chamberlain or Treasurer in regard to the same in like manner as for or with regard to moneys to be assessed, levied and collected for the use of such City or County.

To be deemed moneys collected for County or City purposes, so as to charge the Collector, &c.

How such moneys shall be paid over when collected:

LXXXIV. And be it declared and enacted, That all moneys collected by any Township, Town or Village Collector for County purposes or for any of the purposes mentioned in the next preceding section, are and shall be payable by such Collector to the Township, Town or Village Treasurer, and by him to the County Treasurer, and that the Township, Town or Village Municipality is and shall be responsible for all such moneys to the County Municipality, and that any bond and security given by any Collector or Treasurer to the Township, Town or Village Municipality, that he will duly account for and pay over all moneys collected or received by him, does and shall apply to all moneys collected or received by such Collector or Treasurer for County purposes, or for any of the purposes mentioned in the next preceding section.

Local Treasurer to be accountable for them.

Treasurer of Township, &c., to pay over money raised for County purposes, to the County Treasurer.

LXXXV. And be it enacted, That the Treasurer of every Township, Town or Village shall within fourteen days after the time appointed for the final settlement of the Collector's Rolls, pay over to the Treasurer of the County all moneys which were assessed and by-law required to be levied and collected in the Municipality for County purposes, or for any of the purposes mentioned in the eighty-third section of this Act, (retaining for his fees two and a half per cent. thereon,) and if default is made in such payment, the County Treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to such Municipality, or may recover the same by a suit or action for debt, or may, whenever the same has been in arrear for the space of three months, by Warrant under his hand and seal, reciting the facts, direct the Sheriff of the County to levy and collect the amount so due with interest and costs from the Municipality in default; and the Sheriff upon the receipt of such Warrant shall proceed to levy and collect the said amount, as if the said Warrant had been a Writ of Execution issued by a competent Court of law, and he

Mode of enforcing such payment,

How the Sheriff shall levy the amount.

shall levy the said amount in the same manner and shall charge the same costs as is provided by the one hundred and seventy-ninth section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, in cases of Writs of Execution.

County Treasurer and Chamberlains of Cities to account to the Crown for certain moneys.

LXXXVI. And be it enacted, That the County Treasurer or City Chamberlain shall be accountable and responsible to the Crown for all moneys to be assessed, levied and collected for any of the purposes mentioned in the eighty-third section of this Act, and he shall pay over such moneys to the Receiver General, less two and a half per cent. to be retained for himself, and the two and a half per cent. retained by the several Township, Town or Village Treasurers as hereinbefore authorized.

Counties and Cities to be responsible to the Crown and other parties that the moneys coming into their Treasurers' hands shall be duly accounted for and paid over.

LXXXVII. And be it declared and enacted, That each and every County or City is and shall be accountable and responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer or Chamberlain of such County or City in virtue of his office, shall be by him duly paid over and accounted for according to law; and such Treasurer or Chamberlain and his sureties shall be responsible and accountable for such moneys in like manner to the County or City, and any Bond and Security given by him that he will duly account for and pay over moneys coming into his hands belonging to such County or City, shall be taken and shall apply to all such moneys as are first above mentioned in this section, and may be enforced against such Treasurer or Chamberlain in case of default on his part, duly to account for and pay over any such moneys; and that if such default shall relate to School moneys or other Public moneys of the Province, Her Majesty may enforce the responsibility of the County or City, by stopping or retaining a like amount out of any Public moneys which would otherwise be payable to such County or City, or to the Treasurer or Chamberlain thereof, or by suit or action against such Corporation; and any party aggrieved by the default of any such Chamberlain or Treasurer may recover the amount due or payable to him, from the Corporation of such City or County, as money had and received to his use.

Treasurer and his sureties to be responsible to City or County, &c.

Penalty for tearing down notices, &c. posted up.

LXXXVIII. And be it enacted, That if any person shall wilfully tear down, injure or deface any Assessment Roll, advertisement, notice, or other document, which is required by this Act to be posted up at some public place for the information of all persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace, or any other person acting in that capacity, and having jurisdiction in the locality, be liable to a fine of Five Pounds.

Recovery of fines imposed by this Act.

LXXXIX. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, when it is not otherwise herein provided, shall and may be levied and collected by distress and sale of the offenders's goods and chattels, under the authority of any Warrant of Distress for that purpose, to be issued by the Justice or other person before whom the conviction shall have been had: and in case there shall be no goods or chattels to satisfy such Warrant, such offender shall and may be committed to the Common Gaol of the County for any period not exceeding one month.

Extent of Act. Interpretation Clause.

XC. And be it enacted, That this Act shall apply solely to that part of the Province called Upper Canada; that the Interpretation Act shall apply to this Act; that the words "County" and "Township" shall be held to include Unions of Counties and Townships while such Unions shall continue; and that the word "Ward" shall not be held to extend to or apply to any rural ward in any Township; and the words, "County Council" shall include "Provisional County Council," unless there shall be something in the subject or context repugnant to such construction.

Commencement of Act.

Exception.

XCI. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, and not before, except the section next following which shall come into force immediately after the passing of this Act.

Case of new Municipalities in any County provided for, as regards their share of County taxes for 1853.

XCII. And be it enacted, That if any new Municipality has been erected or set apart within any County so that there shall be no Assessment Rolls of such new Municipality for the year one thousand eight hundred and fifty-two, and that the just share of any County tax for the year one thousand eight hundred and fifty-three cannot be ascertained according to the provisions of the Assessment Law Amendment Act of 1851, the County Council shall nevertheless at the meeting to be held on the third Monday in June of the current year, in order to equalize the Assessment Rolls, examine the Rolls of one thousand eight hundred and fity-two, of the former Municipality or Municipalities of which such new Municipality then formed part, and ascertain to the best of their judgment, what part of the assessment of such Municipality had relation to the new Municipality, and what part should continue to be accounted as the assessment of the original Municipality, and their several shares of the County tax for the year one thousand eight hundred and fifty-three, shall be apportioned between them accordingly.

Short title of Act.

XCIII. And be it enacted, That in citing and referring to this Act in any Statute, pleading, instrument or otherwise, it shall be sufficient to use the expression "The Consolidated Assessment Act of Upper Canada, 1853."

SCHEDULE A.

Schedule A.

Column 1, Name of taxable party.

Column 2, Number of Concession, Street, Square or other designation of the local division in which the real property lies.

Column 3, Number of Lot, House, &c., in such division.

Column 4, Number of Acres, or other measures, shewing the extent of the property.

Column 5, Rental of each separate parcel of real property.

Column 6, Yearly value of each separate parcel, when the rental is not assessed.

Column 7, Actual value of each separate parcel.

Column 8, Actual value (*or* yearly value) of all the real property of the party assessed.

Column 9, Amount of taxable income.

Column 10, Total value of personal property.

Column 11, Yearly value of the same.

N. B.—Columns 5, 6 and 11 apply only to Cities, Towns and Villages, and column 7 only to Townships.

SCHEDULE B.

Schedule B.

Appeals to be heard at the Court of Revision, to be held at ________________ on the day of ________________

APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
A. B.	Self.	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	I. K.	Not *bona fide* occupant.
L. M.	N. O.	Personal property undercharged.
&c.	&c.	&c.

Schedule C.

SCHEDULE C.

Take notice that you are required to attend the Court of Revision at on the day of in the matter of the following appeal:

Appellant (G. H.)

Subject (that you are not a *bona fide* occupant.)

To J. K.

(Signed,) X. Y.
Township Clerk.

ARREARS OF TAXES.

ACT 13 *&* 14 *VIC., CAP.* 69.

An Act to enable Collectors of Local Taxes in Upper Canada, for the several years between one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, (both inclusive,) to recover taxes accrued in such years respectively, and remaining due.

Preamble.

Whereas there are considerable amounts of Local Taxes, Rates and Assessments accrued in Upper Canada, between the years one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, both inclusive, still remaining due and unpaid; And whereas difficulties have arisen and doubts exist as to whether the several Collectors appointed for such years respectively, can now legally enforce payment of such arrears, and it is but fair and just that the parties assessed and in arrear should be required to pay the Taxes due by them: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any Collector or Collectors in office during the present or any future year in the Town, Township or place in and for which he or they may be such Collector or Collectors respectively, to demand, collect, levy, sue for, recover and receive, in the same way and by such means as

Collectors in office may collect arrears of former years.

any Collector or Collectors may then lawfully use for collecting, levying and recovering local Taxes in Upper Canada, all such arrears of Taxes, Rates and Assessments as became due between the years one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, (both years inclusive) and which now remain due and unpaid.

Notice to the party in default, and mode of proceeding for enforcing payment, &c.

II. And be it enacted, That no person shall be sued for recovery of any such arrears until the same shall have been first demanded by the Collector or person specially appointed as aforesaid in the usual way, and four days (exclusive of the day of demand,) shall have elapsed without payment being made; and the Collector shall be the plaintiff in the suit or proceeding, which proceeding shall be by and before a Judge of the Division Court, or two Justices of the Peace, by summons and distress warrant in the usual way, or before the Judge of the County Court, who shall have power respectively to examine the parties themselves, if they or he deem it necessary, and their witnesses on oath, and to receive in evidence all such matters as they or he see fit to receive, in order to enable them to arrive at a just and equitable decision in the matter; and they or he shall have power to award to either party such reasonable costs as they or he may think proper, and also to allow the defendant to set off any money, produce, work or other matter heretofore paid, or delivered to, or performed by him for the Collector suing, or to or for the Collector who acted at the time when he became in arrear, if it shall appear to the said Justices or Judge, at the hearing of the case, that any such payment, delivery or performance was intended to be in satisfaction, either wholly or in part, of the arrears claimed, and the said Justices or Judge, as the case may be, shall decide according to the legal or equitable merits of each case; any law or usage to the contrary thereof in any wise notwithstanding.

Taxes so collected to be paid over to the proper treasurer.

III. Provided always, and be it enacted, That such Collectors as aforesaid, shall pay over the sums by them collected as aforesaid, to the Treasurer or other officer entitled to demand and to receive the same, first deducting their lawful charges and allowances; and in default thereof, shall be subject to such penalties or legal proceedings as are provided by the laws of Upper Canada, with regard to Collectors failing to account for or pay over taxes due in the localities for which they are appointed.

16 VICT., CAP. 183.

An Act to provide for the recovery of the Rates and Taxes intended to be imposed by certain By-laws of the late District Councils of Upper Canada.

Preamble. Whereas the District Councils of several of the late Districts of Upper Canada, intending to carry into effect the enactments of the Act of the Legislature of this Province, passed in the Session held in the 4 & 5 V. c. 10. fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local and Municipal authorities therein*, have, since the passing of the said Act, passed divers By-laws imposing rates or taxes on lands in the said Districts, and the rates or taxes so imposed, have been paid by the great majority of the inhabitants and land-holders therein; And whereas it appears that the total sum or sums to be raised under such By-laws, and the purpose to which they were to be applied, were not first determined by some of the said District Councils, and the sums afterwards apportioned and rated on the lands in the said Districts, but a certain rate or tax of so much per acre was at once imposed on such lands, and that the said By-laws, or some of them, were otherwise informal, and contained provisions not strictly in accordance with the said Act; And whereas doubts may exist as to the true meaning and intention of the forty-first Section of the said Act, and it is expedient to remove any such doubts as to the powers intended to be conferred on such District Councils of imposing rates or taxes upon lands, and to legalize such rates as, if defective in form, were not inconsistent with the true intent and spirit of the Act above recited; And whereas in several of the said Districts certain lands were sold for arrears of taxes which had accrued under the said By-laws, and it is expedient to remove any doubts which may exist as to the legality of such sales, and to confirm them with such provisions and limitations as shall secure the owners of the lands from any injustice: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enact-

Certain By-laws of late District Councils to be good if consistent with this Act.

ed by the authority of the same, That from and after the passing of this Act, no By-law of any of the late District Councils of Upper Canada shall be quashed on account of any want of form, or on account of any of the provisions thereof not being in strict accordance with the letter of the Act hereinbefore recited, so long as such provisions are in accordance with the true intent and meaning of this Act.

Certain rates imposed by such By-laws confirmed.

II. And be it enacted and declared, That any rate or tax, or rates or taxes, intended to be imposed on the lands in any of the late Districts of Upper Canada, by any By-law or By-laws heretofore passed by the District Councils thereof, and not disallowed by the Governor or quashed by any Court of competent jurisdiction, shall be held to be valid and justly chargeable on such lands, so long as the same did not in the whole exceed One Penny Half-Penny currency, per acre, in any one year: Provided always, that no increase or accumulation of such rates, intended to be imposed or charged by any such By-law, in consequence of the non-payment of such rates, shall be held to be valid or chargeable on the said lands: Provided also, that if any such By-law or By-laws shall have taxed the lands in any District by the acre unequally so that a different tax was intended to be levied in different Townships or localities, or a different tax upon unoccupied land from that at which land was rated on the Assessment Rolls, the whole of the land in such late District shall be held chargeable only with the lowest tax per acre at which any of the land was so intended to be rated: Provided also, that nothing in this Act shall be held to make lawful any By-law disallowed by the Governor or quashed by any Court of competent jurisdiction as aforesaid, or the tax imposed by any By-law which rated or intended to rate unoccupied land only, and not all land.

Proviso.

Proviso.

Rate imposed by Act of U. C. 59 G. 3, c 8, merged in tax imposed by said By-laws in certain cases.

III. And be it enacted and declared, That if the By-laws of any of the late District Councils shall have taxed or rated land by the acre at such an amount that the rate so imposed, together with the tax of one eighth of a Penny per acre, charged on unoccupied land, in lieu of Statute labour, by the Act of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province*, would in the whole amount to more than One Penny Half-Penny per acre, the tax of one-eighth of a Penny as aforesaid shall be held to have merged in the tax imposed by such By-laws, and the land shall not be held to be chargeable therewith; but if the By-laws of any of the said District Councils shall have so taxed or rated the lands, that the District tax and the one-eighth of a Penny as aforesaid, together, did not exceed One Penny Half-Penny per acre,

Otherwise in certain other cases.

and if the said By-laws did not expressly release the land from the said tax of one eighth of a Penny, but the said tax continue to be demanded and received, from the date of the passing of the said By-law, then the unoccupied land shall be held also liable to the tax of one eighth of a Penny per acre.

As to taxes already collected in Districts, under such By-laws.

IV. And be it enacted and declared, That any sum or sums of money which shall have been paid to the Collector of any Township, in satisfaction of the rates charged on the Assessment Roll, or to the Treasurer of any District, or of any County since the abolition of Districts, in satisfaction of any tax upon land, shall not be recoverable, although such rate or tax may have exceeded that which might legally have been chargeable, or may have been imposed by an informal By-law of the said District Councils; and no surcharge or additional demand shall be made, if the sums so received by such Collector or Treasurer fell short of what was legally chargeable. And all land for or in respect of which any such rate or tax has been so paid, shall be released from any liability or charge for the year or years in respect of which such tax was paid; but all lands liable to assessment, and upon which payment has not been so made, shall be held chargeable with such tax, as is hereinbefore declared to be chargeable upon it, notwithstanding any informality in the By-laws by which such tax was intended to be imposed, provided that such By-laws shall not have been disallowed or quashed as aforesaid.

In what cases lands shall or shall not be chargeable with such taxes.

Repeal of By-law did not extinguish arrears.

V. And be it enacted and declared, That the subsequent repeal of any By-law of any District Council shall not be construed to have extinguished the arrears of the taxes imposed or intended to be imposed by such By-law, and which were due for the years previous to the repeal of the By-law: Provided always, that nothing herein contained shall be construed to continue the tax for the year in which such By-law was repealed, and another By-law passed in place thereof; but in all such cases the tax or arrear of tax shall for that year be taken to be that imposed by the repealing By-law.

Proviso.

Treasurer of each County to make out a List of Lands on which taxes are in arrears.

VI. And be it enacted, That within six months after the passing of this Act, it shall be the duty of the Treasurer of every County in Upper Canada, and he is hereby required to make out a list of every Lot or part of Lot in his County, upon which any taxes may appear to be unpaid and in arrear, whether the said taxes accrued before or after the establishment of District Councils. And he shall set down opposite each Lot or part of Lot the total sum which shall appear to be so due and in arrear up to the first day of January, eighteen hundred and fifty-three, including in such total sum the proportional charge for the cost of the advertisement hereinafter required, and distinguishing the

What it shall shew.

taxes due before any By-law of the late District Council came into force, the taxes due under such By-law or By-laws, and the taxes due since the establishment of County Councils. And he shall calculate the amount of tax due on each Lot according to the provisions of the Act last above cited or of the Act of Upper Canada, passed in the same year of the same Reign, and intituled, *An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province*, and subsequent Acts of the Province of Upper Canada, amending the same, until such time as any By-law of the late District in which the land so in arrear was then included, came into force, altering the rate authorized and imposed by the said Acts; and from the time any such By-law as aforesaid came into force, and as long as it continued in force, he shall calculate the tax according to such of the provisions of this Act as define the rates and taxes which shall be chargeable upon the land in respect of the rates intended to be imposed by the By-laws of such District Councils.

Calculation of taxes.

Act of U. C. 50 G. 3, c. 7.

VII. And be it enacted, That the Treasurer of each and every County in Upper Canada, shall cause such lists of land and arrears of taxes to be advertised for the space of one month in the Government *Official Gazette*, and in some one newspaper published within the County, or if none be so published, in some newspaper in an adjoining County, and no other advertisement of lands in arrears for taxes shall be required to be made, and no such arrears shall be included in the Collector's Roll, and no lands shall be sold for the non-payment of such arrears during the present year; any thing in the Upper Canada Assessment Act of 1850 to the contrary notwithstanding.

Such Lists to be advertised: and in what papers.

Lands not to be sold during the present year.

VIII. And be it enacted, That in case any lands have been sold for arrears of taxes, any part of which were calculated and claimed to be due under any By-law of any of the late District Councils, which has not been quashed as aforesaid, the Treasurer of the County in which such lands were situated shall within three months after the passing of this Act, prepare and advertise as aforesaid a list of all the lands so sold and not afterwards redeemed, which list shall show the date of sale, the amount for which the land or any portion of it was sold, the amount of tax, which was justly chargeable upon the land according to the provisions of this Act, up to the date when it was advertised previous to such sale, and also all the taxes which have been paid upon the land since the date of the sale: Provided always, that if in any District no By-law was passed imposing a rate on unoccupied land, or

Provision touching lands sold for taxes imposed by By-laws which have not been quashed.

List to be published, &c.

Proviso: certain lands so sold not to be included.

a By-law was passed which did not vary the tax to which such land was liable under the Assessment Laws then in force in Upper Canada, it shall not be necessary to advertise the lands sold in any such District, nor shall the lands so sold be liable to be redeemed in the manner provided by the Section of this Act next following.

Owners of lands included in List may redeem them, and within what time and on what conditions.

Certificate of redemption.

Fees.

Proviso: as to improvements on such lands.

Compensation to be determined under 12 V. c. 35.

Exception.

IX. And be it enacted, That at any time within one year after the date of the first publication of the advertisement required to be made by the next preceding Section, it shall and may be lawful for the owner of any Lot or parcel of land, or for any one duly authorized on his behalf, to pay to the said Treasurer the amount justly chargeable on the land, as is hereinbefore provided, and interest thereon from the date of such sale to the date of payment, together with all taxes which have been paid by the purchaser subsequently to the sale of such lands, which payment shall be carried by the Treasurer to the account of the County; and the said Treasurer shall thereupon, without any charge, give to the person so redeeming a Certificate, in the form prescribed in the Schedule appended to this Act, and marked A, that the land has been redeemed, which Certificate the Registrar of the County is hereby required to register, upon the payment to him of a fee of Two Shillings and Six Pence, and such Certificate, and the registry thereof shall annul and make void the Deed formerly executed by the Sheriff to the purchaser of the land for arrears of taxes, and shall re-convey the land to the former owner, and give him right to the possession thereof as fully as if no such Deed of the Sheriff had been executed: Provided always, that if there shall be any improvements upon the land, and the land shall be in the occupation or possession of any person having a *bona fide* title or claim thereto, either as the purchaser at the sale for taxes or by Deed, Bond, or Written Agreement to sell from the purchaser, or from any person claiming through such purchaser, the original owner, before re-entering into possession, shall pay to such occupant reasonable compensation for his improvements made at any time after the expiration of one year from the date of sale and before the passing of this Act, and such compensation shall be determined in the manner and with the forms provided in case of erroneous surveys by the forty-ninth and fiftieth Sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, unless the said original owner choose rather to tender, and do tender to the said occupant a good and valid title to the land upon condition of his paying him the actual value thereof only, to be determined as aforesaid, in which case, and in default of such occupant paying such value within six months after the determination thereof as aforesaid, the said original owner shall have an absolute and unconditional right to evict such occupant and re-enter into possession of the land; and all costs incurred under this proviso shall be paid in any case by the occupant.

List of redeemed lands to be published.

Repayment to purchasers.

Cancelling Deeds surrendered, of lands redeemed.

X. And be it enacted, That one year after the date of the advertisement required to be made by the eighth Section of this Act, it shall be the duty of the Treasurer aforesaid to publish in the manner required for the other advertisements before mentioned, a list of all lands previously sold for taxes and conveyed by the Sheriff, but which have been redeemed in the manner provided by the ninth Section; And the said Treasurer shall at any time after the redemption of the land, upon the demand of the purchaser, and the surrender by him of the Sheriff's Deed, pay out of any County money in his hands the sum for which the land was sold by the Sheriff, and the cost of the Sheriff's Deed and registry thereof, together with the interest upon the whole of such sums from the date of the sale to the date of redemption and the amount of all taxes which have been paid by the purchaser subsequently to the sale of such lands; and if the Treasurer shall refuse or neglect to pay the same, such total sum and interest shall become a debt due by the County Council of such County, and shall be recoverable in a manner provided by law for the recovery of other debts. And the Treasurer shall cancel the Deed so surrendered to him, by writing across the face of it a Certificate in the form prescribed in the Schedule appended to this Act, marked B, and he shall deliver the Deed so cancelled to the Registrar of the County in which the land is situate, who is hereby required without any charge to file it, with the Certificate of the redemption of the same land.

Sales of land not so redeemed confirmed: as if made under Assessment Laws, 12 V. c. 80.

Proviso.

XI. And be it enacted, That if any land sold for arrears of taxes as aforesaid shall not have been redeemed in the manner and within the period allowed and provided by this Act, such sales shall be confirmed and held valid as fully as if they had been made under the authority of the Assessment laws in force in Upper Canada, previous to the passing of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, and other matters of a like nature*, and the arrears on account of which the sales took place, had not comprised any taxes imposed or intended to be imposed by any By-law of the late District Councils: Provided that at the time of such sale the taxes (whether imposed by such By-law or by the said Assessment Laws of Upper Canada, or by both) were in arrear to the extent required by the said Assessment Laws in order to justify the sale of the lands, and that all the requirements of the said Assessment Laws relative to such sales were complied with: Provided also, that nothing herein contained shall be held to make valid the title to any lands which shall have been adjudged to be invalid by any Court of competent jurisdiction or in any way to make void any judgment in any of the superior Courts of Upper Canada, or to affect any suit pending therein in which the validity of any such By-law may have been called in question.

Proviso.

Interpretation clause.

XII. And be it enacted, That whenever the words "owner," "purchaser" and "occupant" occur in this Act, or the words "he" or "his," or other words designating the owner, purchaser or occupant, such words shall be construed to mean such persons or their heirs, executors or assigns, and to include the singular or plural, masculine or feminine, as the case may be; and the word "County" shall be construed to include Unions of Counties.

SCHEDULE A.

Schedule A.

I, Treasurer of the County (*or* United Counties) of do hereby certify, that I have received from the sum of being the whole amount payable according to the provisions of an Act of the Province of Canada, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the recovery of the rates and taxes intended to be imposed by certain By-laws of the late District Councils of Upper Canada*, and chaptered in redemption of lot (*or* part of lot, *describing it*, *or* acres of lot, *as the case may be*,) number in the Concession of the Township of , which was sold by the Sheriff of the District of (*or* County of) for arrears of taxes on the day of in the year

Dated

(Signed.)

SCHEDULE B.

Schedule B.

This Deed is cancelled by me Treasurer of the County (*or* United Counties) of , the land described therein having been redeemed on the day of in the year

Dated

(Signed.)

ACT 13 *&* 14 *VIC.*, *CAP.* 68.

An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada.

Preamble.

Rate imposed by Act of U. C.

2 Vic. c. 11, repealed.

Exception.

Whereas it is expedient to make better provision for paying off the principal and interest of the Debentures issued for the purpose of raising funds for defraying the expense of erecting the Lunatic Asylum in Upper Canada, under the provisions of the Act hereinafter mentioned, and for raising a fund for defraying the cost of erecting other public buildings in that portion of this Province of general importance to the inhabitants thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada. constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of Upper Canada, passed in the second year of Her Majesty's Reign and intituled, *An Act to authorize the erection of an Asylum within this Province, for the reception of Insane and Lunatic Persons*, as authorizes the imposing of an assessment of one-eighth of a penny in the pound for the purposes of the said Act, shall be and is hereby repealed; as are also all rates and assessments made under the authority of the said Act: except in so far as regards any arrears of such rates and assessments remaining due and unpaid when the said repeal shall take effect.

A new rate imposed.

How to be collected, paid over, &c.

II. And be it enacted, That instead of the rate mentioned in the said Act, there shall be and there is hereby imposed upon all taxable property, real or personal, in Upper Canada, a yearly rate or tax of six pence in the hundred pounds (and so in proportion on any less sum) on the assessed actual value of such property, or of one penny in the pound on the assessed yearly value thereof, according as the same is assessed by its actual or yearly value, and such rate or tax shall be entered upon the Collector's Rolls, in a separate column, by the Clerk or Officer making out the same, and shall be received, collected and levied by the same Officers, at the same times and in the same manner as other local taxes, rates or assessments on the same property; and all moneys arising therefrom and received by any Collector shall be paid over by him to the County Treasurer or City Chamberlain, at the same times and under the same provisions, and with the same remedy in case of non-payment as other moneys payable to him by such Collector, and all such moneys received by any Treasurer or Chamberlain, shall by him be paid over (retaining five per cent., of which one half shall be allowed by him to the Collectors respectively, on sums collected by them) to the Receiver General of the Province, for the purposes of this Act, at such times and in such manner as the Governor shall from time to time direct and require; and such moneys shall, in the hands of such Treasurer or Chamberlain, be held to be moneys received by him for duties due to Her Majesty, and such Treasurer or Chamberlain shall, in default of paying over the same be liable accordingly.

Per centage allowed.

To be deemed moneys of the crown.

To what purposes such rate shall be applied.

III. And be it enacted, That the sums paid over to the Receiver General under the next preceding section of this Act shall be applied—

Interest on Debentures.

First—To the payment of the interest on all Debentures issued on account of the said Lunatic Asylum and now outstanding, and also of the interest on any Debentures which may be issued under the authority of Parliament for the purpose of raising money to complete the said Asylum, or to defray the expense of procuring a site for or of erecting any other Public Building in Upper Canada, for any Institution of general importance to the inhabitants of that portion of the Province.

Sinking Fund.

Secondly—To the formation of a Sinking Fund of not less than one thousand five hundred pounds per annum, towards paying off the principal of such Debentures as aforesaid.

Other purposes.

Thirdly—Towards the support of the said Lunatic Asylum and of any other such Institution as aforesaid, in such manner as shall be directed by Parliament.

When the foregoing provisions shall take effect.

IV. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-one, and not before.

Appropriation out of moneys arising under 2 Vic. c. 11.

V. And be it enacted, That out of any moneys arising from any rate or assessment imposed under the Act first above cited, there may be paid and applied such sums as may be required to defray the expenses of the said Lunatic Asylum for the present year one thousand eight hundred and fifty, in addition to the Parliamentary grant for that purpose.

13 & 14 *VIC., CAP.* 2, *SECS.* 3 & 4.

An Act for raising on the credit of the funds therein mentioned, certain sums required for the Public Service.

Loan not exceeding £30,000, for Lunatic Asy-

III. And be it enacted, That it shall be lawful for the Governor in Council, to authorize the raising by way of loan on the credit of the Uplum and Normal School.

per Canada Building Fund, that is to say, the fund to arise from the proceeds of the rate or tax imposed by the Act passed in the present session to provide funds for defraying the cost of the erection of the Lunatic Asylum, and other public buildings in Upper Canada, of a sum not exceeding Thirty Thousand Pounds Currency, to be applied to the purpose of defraying certain expenses connected with the Lunatic Asylum at Toronto, and with the intended building for the Normal School of Upper Canada.

Debentures may be issued.

IV. And be it enacted, That for the purpose of raising the sum last aforesaid, it shall be lawful for the Governor in Council to authorize the issuing of Debentures to an amount not exceeding in the whole the sum last aforesaid, in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and to make the principal and interest thereon payable at such periods and at such places as to him shall appear most expedient, the said principal and interest being hereby made chargeable upon the said Upper Canada Building Fund.

TAVERN LICENSES.

ACT 13 *&* 14 *VIC.*, *CAP.* 65.

An Act to amend the laws relative to Tavern Licenses in Upper Canada.

Preamble.

Whereas it is expedient to vest in the Municipal authorities in Upper Canada the power of fixing the number of Taverns, Beer shops, and other houses and places of public entertainment, where wines and spirituous or fermented liquors are sold, or of prohibiting such houses or places in the said Municipalities respectively, and of prescribing the conditions on which Licenses to keep the same shall be obtained and held, and the duty which shall be paid thereon over and above that imposed on persons keeping such houses and retailing Wines and Spirituous Liquors therein, by the Act of the Parliament of Great Britain, passed in the fourteenth year of the Reign of King George the Third, and intituled, *An Act to establish a Fund towards further defraying the charges of the Administration of Justice and the support of the Civil Government within the Province of Quebec in North America:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted

Imp. Act, 14 G. 3, c. 88, cited.

and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to alter the laws now in force for granting Licenses to Inn-Keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences*,—or of the Act of the said Parliament passed in the sixth year of the Reign of his late Majesty King William the Fourth, and intituled, *An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, intituled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses and for the more easy convicting of persons selling spirituous liquors without a License,' and for other purposes therein mentioned*,—or of the Act of the said Parliament passed in the third year of Her Majesty's Reign, and intituled, *An Act for further regulating the manner of granting Licenses to Inn-Keepers, and to the Keepers of Ale and Beer Houses within this Province*,—or of the Act passed in the year last aforesaid, and intituled, *An Act to continue and make perpetual, parts of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to alter the Laws now in force for granting Licenses to Inn-Keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein mentioned*,—or of any other Act or Law in force in Upper Canada as vests in any Justices of the Peace the power of granting certificates entitling the parties to whom they are granted to obtain Licenses to keep Inns or Houses of Public Entertainment, or of making rules and regulations for the conduct of such Inn-Keepers, or of repealing such rules and regulations, or of fixing the duty or sum which any person is required to pay for such License or before he can obtain the same, or of repealing or altering any duty or sum so fixed, or as may be inconsistent with any provision of this Act which is to be acted upon before the first day of March next, shall be and is hereby repealed from and after the passing of this Act; and the remaining provisions of the said Acts, and the rules and regulations made under them, and the duties or sums required to be paid under them for such Licenses as aforesaid, shall remain in force (in so far only as they may not be inconsistent with any provisions of this

Certain parts of Act of U. C.;

59 G. 3, c. 2.;

6 W. 4, c. 4;

3 Vic. c. 20;

3 Vic. c. 21;

Repealed on the passing of this Act;

And the remainder on the first March, 1851.

Act to be acted upon before the said day) until the said first day of March next, upon, from and after which day they shall be repealed, except the seventh and eighth sections of the Provincial Act thirdly above cited, which shall remain in force: Provided always, that all Acts and parts of Acts repealed by the said Acts or any of them shall remain repealed, and that all penalties incurred before the said day for any contravention of any of the said Acts, may be sued for and recovered under the same as if they were not so repealed.

Proviso.

II. Provided always, and be it enacted, That neither the repeal of the said Acts nor any thing in this Act contained, shall be construed to repeal or affect any duty or sum payable on licenses to vend wine, brandy and spirituous liquors by retail, to be granted or issued in Upper Canada to shopkeepers or others not keeping Inns or places of public entertainment, or any provision for preventing the vending or imposing any penalty for the vending of the same by such persons, or in any Steamboat or Vessel, without a license, or for the recovery and distribution of any such penalty.

Shop licenses not to be affected by this Act.

III. And be it enacted, That a license to keep an Inn or house of public entertainment, may be issued at any time after the passing of this Act, and without any certificate, to any person then holding a license for a like purpose, which license to be so issued shall authorize such person to keep such Inn or House at the same place, from the expiration of the period to which such former license extended, until the last day of February next (inclusive) but not afterwards; and for any license to be issued under this section, the person receiving the same shall pay a sum bearing the same proportion to the sum paid by him for such former license, as the time for which such new license is to be granted shall bear to the time for which such former license was granted.

Present tavern licenses may be continued until twenty-eighth February, 1851.

IV. And be it enacted, That the Municipality of each Township or incorporated Village, the Town Council of each incorporated Town, and the Common Council of each City in Upper Canada, shall have power and authority at any time after the passing of this Act, to make By-laws,—For limiting the number of Inns or houses of Public entertainment in such Township, Village, Town or City for which licenses to retail spirituous liquors to be drunk therein shall be issued, to be in force after the last day of February, one thousand eight hundred and fifty-one, (or for prohibiting the issuing of any such licenses, for any house in their respective Municipalities,) and for fixing the terms and conditions which shall be previously complied with by any person desiring such license, the description of house and accommodation he

Municipal Corporations to make by-laws for certain purposes, relative to taverns.

And beer houses, &c.

Proviso as to penalties under the said Imp. Act.

shall have and constantly keep and maintain, and the security he shall give for observing all the By-laws of the Municipality, and the sum which he shall pay for such license over and above the duty imposed by the Act aforesaid of the Parliament of Great Britain;—For regulating all such inns and houses of public entertainment, and for imposing for any contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws;—For similar purposes with respect to ale or beer houses, and other houses for the reception and entertainment of the public, where fermented or other manufactured liquors are sold to be drunk therein; Provided always, that nothing herein contained shall be construed to relieve any person keeping a house of public entertainment and retailing wine and spirituous liquors therein, without a license, from the penalty imposed for such offence by the Act of the Parliament of Great Britain aforesaid, which penalty shall always be recoverable on the oath of one credible witness other than the informer, in any Court having jurisdiction to the amount in Civil matters.

Inspectors of houses of public entertainment to be elected.

To be subject to by-laws.

V. And be it enacted, That at the Annual Election of Councillors in the several Townships, Incorporated Villages and Towns and Cities in Upper Canada, there shall be elected by the same electors in each Township, not divided into Wards, or Incorporated Village, three Inspectors of Houses of public entertainment,—and in each Ward of any Township divided into Wards or of any such Town or City, one such Inspector of Houses of public entertainment; and such Inspectors shall be subject in the same manner as other Municipal Officers, to any By-law to be made by the Council of the Municipality touching their duties or remuneration,—the security they shall give, and other like matters; and vacancies in the office of Inspector shall be filled in like manner as vacancies in the office of Councillor.

Duties of such Inspectors.

Meetings.

Certificates.

VI. And be it enacted, That it shall be the duty of such Inspectors to see that the By-laws of the Municipality are complied with as regards the persons to whom Licenses to keep Houses of Public Entertainment and to retail spirituous liquors therein are to be issued; and for this purpose the said Inspector shall, after such previous visits and examinations as they may think proper, meet at such time in each year before the first day of March, and at such place as they shall think meet, or at such time and place before the said day as the Council of the Municipality shall have appointed by By-law, for the purpose of determining what persons have under the By-laws in that behalf qualified themselves to obtain such Licenses, and to give certificates to such persons, which shall state the sum payable by such persons respectively, for such Licenses, under the By-laws of the Municipality; and upon the production of such certificate and payment of the said sum and of the duty imposed by the said Act of the Parliament of Great Britain, to the proper Revenue Inspector, he shall issue Licenses to such persons respectively for the purposes aforesaid, which Licenses shall be in force from the date thereof until the last day of February in the then next year, and no such License shall be issued in favour of any person unless he shall produce such certificate as aforesaid; Provided always, that if the number of persons who shall have complied with the requirements of the By-laws made in that behalf, shall be greater than the number of persons to whom Licenses may be issued, under such By-laws, the Inspector shall determine, (subject to any By-laws passed for their guidance in this behalf) to which of such persons Licenses may be granted with the most advantage to the public.

Licenses.

Proviso: if the number of licenses be limited.

VII. And be it enacted, That the said Inspector shall perform similar duties with regard to Inns, Ale and Beer Houses, Victualling houses, Ordinaries, and Eating-houses, and other establishments of a like nature, which by the By-laws of the Municipality shall require licenses: And such duties shall be performed in such manner as shall be directed by such By-laws, and such licenses shall be issued at such times, for such periods and by such officer as shall be directed by such By-laws: And any provision of law vesting in any other functionary any power hereby vested in the Inspectors aforesaid, or otherwise inconsistent with this Act, is hereby repealed.

Further duties of inspectors.

How to be performed.

Inconsistent enactments repealed.

VIII. And be it enacted, That any majority of the said Inspectors may exercise all the powers of the Inspectors, and the said Inspectors shall have full power to adjourn any meeting from day to day or to any future day: and if on any question the Inspectors shall be equally divided, the Mayor or Town Reeve, or in his absence the functionary performing his duties, shall vote thereon and decide the same, unless and until other provision be made for this purpose (as it may be) by the By-laws of the Municipal Corporation of the place.

Majority of Inspectors may act.

IX. Provided always, and be it enacted, That nothing herein contained shall be construed to prevent the Governor in Council from appointing any Municipal Officer or other person to issue licenses for keeping houses of public entertainment and retailing spirituous liquors therein, in any Municipality, if he shall think proper to appoint such officer or person to perform that duty instead of the Revenue Inspector.

Municipal officers may be appointed to issue licenses.

ACT 14 *&* 15 *VIC.*, *CAP.* 120.

An Act to explain and amend the Act of the last Session, intituled, An Act to amend the Laws relating to Tavern Licenses in Upper Canada.

Preamble.

Whereas doubts have arisen as to the true intent and meaning of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, which doubts it is expedient to remove; Be it therefore declared and enacted by the Queen's Most Excellent Majesty, &c., That it was and is the intention of the Act first above cited, that the seventh and eighth sections of the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, chaptered four, and intituled, *An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the Reign of King George the Third, intituled, 'An Act to amend an Act for regulating the manner of Licensing 'Public Houses, and for the more easy conviction of persons selling 'spirituous Liquors without a License,' and for other purposes therein mentioned*, should be and they are and have been by the Act first above cited, continued in force in Upper Canada, to all intents and purposes whatsoever.

True intent and meaning of the Act 13 & 14 Vict. to amend the laws relative to Tavern Licenses in U. C., respecting the 7th and 8th sect of 6 Will. 4, c. 4, declared.

As to the intention of the Act first above cited respecting the powers of Township Municipalities, &c., in U. C., in certain cases.

II. And be it declared and enacted, That it was and is the intention of the Act first above cited, that the Municipality of each Township or Incorporated Village, the Town Council of each Incorporated Town, and the Common Council of each City in Upper Canada, should have, and that they have and have had respectively, from the time of the passing of the said Act, power and authority to make By-laws for preventing the selling of wines or spirituous liquors, or the keeping of Inns, Taverns or Houses of Public Entertainment by persons not thereunto duly licensed, and to impose for any contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws, and that all penalties incurred under or by virtue of the Act first above cited, or of any By-law made under the authority thereof, shall and may be prosecuted and recovered under the provisions of the said seventh section of the Act of the Parliament of Upper Canada hereinbefore cited, and all such penalties shall belong one half to the Municipality in which the offence shall have been committed, and the other half to the prosecutor, unless he be examined as a witness to prove the offence, in which case the whole shall belong to the said Municipality: Provided always, that nothing herein contained shall apply to any case in which any final Judgment or Order shall

Penalties may be recovered;

And to whom to belong.

Proviso.

have been made or conviction had by or before any competent Tribunal, but with regard to such case, the Provincial Acts hereinbefore cited shall be construed and have effect as if this Act had not been passed.

Case wherein a party is desirous of furnishing refreshments at any place out of his house, or of removing therefrom.

Inspectors to endorse permission on License.

Subject to regulations.

Right conferred thereby, &c.

Upon what conditions.

Bond or Security how to apply.

III. And be it enacted, That whenever any party to whom a license to keep a House of Public Entertainment shall have been granted, shall desire to furnish such refreshments as by law he is permitted to do in the house for which he has obtained a license, at any place out of his said house, but within the limits to which such license extends, or to remove from the house for which the same shall have been granted, into another house in the same Township, Incorporated Village, or Town, or City, and to keep a House of Public Entertainment therein, it shall be lawful for the Inspectors of Houses of Public Entertainment for such Township, Incorporated Village, or Town, or City, or a majority of such Inspectors, in their discretion (but subject always to any By-law which may have been made in that behalf by the Municipal Authority of the locality,) to endorse on such license a permission to the party to whom it was granted to furnish such refreshments as aforesaid, or to keep a House of Public Entertainment in the house to which he shall so wish to remove, and such permission shall give such right, and the license shall thereafter apply to the House described in such endorsement, and shall authorize the party to whom such license was granted, to furnish such refreshments or to keep a House of Public Entertainment in the House mentioned in such endorsement during the unexpired portion of the term for which such license was granted, and upon the same terms and conditions; and any Bond or Security which such party may have given for the due observance of the Laws and By-laws concerning Houses of Public Entertainment, and the Keepers thereof, or for any purpose relative to such license, shall apply as fully to the house to which he shall be so authorized to remove, and to his conduct and doings therein, as without such endorsement it would have applied to the house for which the license was originally granted, and to his conduct or doings therein.

EXCISE DUTIES.

ACT 16 *VIC.*, *CAP.* 184.

An Act to repeal certain Duties of Excise, so far as regards Upper Canada, and to vest certain powers in the Municipal Authorities of that part of the Province.

Preamble.

Whereas it is expedient to repeal all Provincial Acts and parts of Acts, imposing Duties in Upper Canada, on Licenses to sell Spirituous

Liquors in any quantity or in any place, or to keep Houses of Public Entertainment, or on Licenses to Hawkers and Pedlars, or on keepers of Billiard Tables, or on Auctioneers, or on the sale of goods by Auction, and generally all Duties commonly called Excise Duties, except only those imposed on Distillers and the Spirituous Liquors distilled by them, and all enactments providing for the collection of such duties, and to vest certain powers with regard to the matters aforesaid in the Municipal authorities of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature of Upper Canada, passed in the fifty-sixth year of the Reign of King George the Third, and intituled, '*An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned;*' and the Act of the said Legislature, passed in the fifty-eighth year of the same Reign, and intituled, *An Act to continue and repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, 'An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same;*' And the Act of the said Legislature passed in ninth year of the Reign of King George the Fourth, and intituled, *An Act to continue an Act, intituled, ' An Act to continue for a limited time, an Act passed in the fifty-eighth year of His late Majesty's Reign, intituled, ' An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, "' An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned,' and to extend the provisions of the same;'"* and the Act of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Act to continue and make permanent an Act passed in the third year of the Reign of King William the Fourth, intituled, ' An Act to continue the Duty upon Licenses to Hawkers and Pedlars;'* and the Act of the said Legislature, passed in the fiftieth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty a duty upon Billiard Tables*, and the eighth and ninth Sections of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to regulate*

Act and parts of Acts repealed.

U. C. 56 G. 3, c. 14.

U. C. 58 G. 3, c. 5.

U. C. 9 G. 4, c. 8.

U. C. 2 V. c. 23.

U. C. 50 G. 3, c. 6.

U. C. 3 V. c. 9.

the time for making Returns and Payments by Collectors and other persons receiving the Public Revenues of the Province, and for other purposes therein mentioned; and the tenth Section of the Act of the Legislature, passed in the same year of the same Reign, and intituled, *An Act for further regulating the manner of granting Licenses to Inn Keepers and Keepers of Ale and Beer Houses within this Province;* and the Act of the said Legislature, passed in the fifty-eighth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty a duty on Licenses to Auctioneers, and on goods, wares and merchandize sold by auction*, and the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to revive and make perpetual an Act for granting to Her Majesty a duty on Licenses to Auctioneers and on goods, wares and merchandize sold by auction*, and the second Section of the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to make perpetual an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the Reign of King George the Third, intituled, " An Act to amend an Act for regulating the manner of Licensing Public Houses and for the more easy conviction of persons selling Spirituous Liquors without License, and also for regulating the duty to be levied on Licenses to Shopkeepers,'* " and the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Hawkers and Pedlars*, and so much of the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Laws relative to the duty upon sales of property by auction*, as imposes or continues any duty on Auctioneers or on goods, wares or merchandize sold by auction in Upper Canada, shall be and the said Acts and parts of Acts are hereby repealed, with all other Acts or parts of Acts whether of the Parliament of this Province, or of the Legislature of Upper Canada, imposing or continuing any duty in Upper Canada, on Auctioneers or on the sale of goods, wares or merchandize by auction, or on Hawkers, Traders or Petty Chapmen, or on keepers of Billiard Tables, or on persons selling wine, brandy or spirituous liquors, ale or beer, by retail in any place, or on keepers of houses of public entertainment, or requiring that any person should take out any license in order to enable him lawfully to sell goods, wares or merchandize by auction, or to act as a Hawker or Pedlar, Trader or Petty Chapmen, or to keep any Billiard Table for hire or otherwise, or to sell wine, brandy or spirituous liquors, ale or

U. C. 3 V. c. 20, s. 10.

U. C. 58 G. 3, c. 6.

U. C. 3 V. c. 23.

U. C. 3 V. c. 22, s. 2.

Canada, 13 & 14 V. c. 7.

Canada, 4 & 5 V. c. 21.

General repeal of Acts imposing duties of certain kinds in U. C.

Proviso: this Act not to affect By-laws under 13 & 14 V. c. 65.

beer by retail, except only as regards any penalty incurred under the Acts and parts of Acts hereby repealed, before this Act shall be in force, which may be sued for, levied and collected as if this Act had not been passed: Provided always, that nothing herein contained shall be construed to repeal or affect any duty or sum payable under any By-law of any Municipality in Upper Canada made under authority of the Act of the Parliament of the Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, or in any way to impair the effect of any By-law made under the authority of the said Act, or to repeal, alter or affect any Act or law concerning Distilleries or Distillers or any duties imposed on the spirituous liquors distilled or made by them.

Municipal Councils of Counties, Cities, Towns, may impose duties on Pedlars and Hawkers, and require them to take Licenses.

II. And be it enacted, That the Municipal Council of any County or City in Upper Canada shall have full power and authority to make By-laws for regulating and governing Hawkers and Petty Chapmen, and other trading persons going from place to place or to other men's houses, or who have not become householders by permanent residence in any Town or place within such County or City, or travelling either on foot or with a horse or horses, mule or mules, or other beast or beasts bearing or drawing burthen, boat or boats, decked vessel or vessels or other craft, or otherwise within such County or City carrying to sell or exposing to sale any goods, wares or merchandize, and for requiring any such person to take out a license from such officer of the Municipality as shall be designated in such By-law, before it shall be lawful for him to exercise any such calling as aforesaid within such County or City, and for fixing the sum which shall be payable for such licenses and the time during which the same shall be in force, and for imposing penalties for the contravention of any such By-law.

Municipal Councils may impose By-laws for certain purposes.

III. And be it enacted, That the Municipal Council of any Township, incorporated Village or Town or City in Upper Canada, shall have full power and authority to make By-laws for all or any of the following purposes, that is to say:

Auctioneers:

1. For regulating and governing Auctioneers and other persons selling or putting up for sale, goods, wares, merchandize or effects, by public auction or outcry or to the highest or best bidder, within such Municipality, and for requiring any such person to take out a license from such Municipal Officer as shall be designated in such By-law, before it shall be lawful for him to act as an Auctioneer or to sell or put up to sale, as aforesaid, any goods, wares and merchandize or effects within such Municipality, and for fixing the sum which shall be payable for each such license and the time during which it shall be in

force, for making such further provisions as may be deemed necessary for giving full effect to such By-law, and for imposing Penalties for the contravention thereof.

Selling intoxicating liquors by retail.

2. For regulating and governing all shop-keepers, store-keepers, and others selling wine, brandy or other spirituous liquors, ale or beer, by retail, in places other than houses or places of public entertainment, and for requiring any such person to take out a license from any Municipal Officer to be designated in such By-law, before it shall be lawful for him to sell any wine, brandy or other spirituous liquor, ale or beer, as aforesaid, within such Municipality, and for fixing the sum which shall be payable for each such license, and the time during which it shall be in force, or for limiting the number of persons to whom and the houses or places for which such licenses shall be granted within the Municipality, or for preventing absolutely the sale of wine or brandy or other spirituous liquors, ale or beer, or any of them, by retail within the Municipality, and for making such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof: Provided always that the selling of any wine, brandy or other spirituous liquors, ale or beer, in the original packages in which the same were received from the importer or manufacturer, and not containing respectively less han five gallons or one dozen bottles, shall not be held to be a selling by retail within the meaning of this Act.

Proviso.

Billiard Tables.

3. For regulating and governing all persons who shall within such Municipality keep or have in their possession or on their premises any Billiard Table or Tables, set up for hire or gain, directly or indirectly, or being in any house or place of public entertainment, or house or place of public resort, whether such Billiard Table or Tables be used or not, and for requiring any such person to take out a license from any Municipal Officer to be designated in such By-law, before it shall be lawful for him to keep or have in his possession or on his premises any Billiard Table or Tables, and for fixing the sum which shall be payable for any such license and the time during which it shall be in force, and for making such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof.

Such By-laws may be repealed, &c., exception.

IV. And be it enacted, That any By-law made under the authority of this Act may be repealed, altered or amended by the Municipal Council by which it shall have been made, saving always that no person shall be required to take out a new license for any purpose, during the time for which a license shall have been granted to him for the same purpose, or to pay any additional sum upon such license during

Penalties limited

Application of penalties and duties on Licenses.

By-laws prohibiting the sale of intoxicating liquors either under this Act or 13 & 14 V. c. 65, or imposing a duty of more than £10 for Licenses for certain purposes, not to be valid unless previously approved by a majority of the Municipal Electors.

such time; No penalty to be imposed by any By-law to be made under the authority of this Act, shall exceed the amount to which Municipal Councils may impose penalties under the Municipal Corporations' Acts of Upper Canada; and the penalties imposed by By-laws under this Act shall be recoverable and applicable in the manner provided by the said Acts with regard to penalties imposed by By-laws made under the authority thereof: all sums of money levied under By-laws made under this Act shall form part of the General Funds of the Municipality in which they shall be levied, and they shall be levied and collected by such Municipal Officers as shall be appointed for the purpose: Provided always, that no By-law made under the authority of this Act, which shall be intended absolutely to prevent the sale of wine, brandy or other spirituous liquor, ale or beer, within any Municipality, at any place other than a house of public entertainment, or shall require the payment of a greater sum than Ten Pounds per annum for any license to sell the same, or to exercise any other calling, or to do any other thing for which a license may be required under this Act,—nor any By-law to be made after the passing of this Act, under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, for prohibiting the sale of wine or spirituous liquors, ale or beer, in any house of public entertainment in such Municipality,—shall have force or effect, unless before the final passing thereof, it shall have been adopted and approved by a majority of the qualified Municipal Electors of the Municipality, (to be ascertained in such manner as shall be determined by a By-law to be previously passed for that purpose) after public notice containing a copy of the proposed By-law, shall have been inserted at least four times in each Newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more Newspaper or Newspapers printed in the City or Town nearest to such Municipality and circulated therein, and also posted up in at least four of the most public places in such Municipality.

Moneys payable for Licenses to keep Houses of public entertainment, to whom to be paid, &c.

13 & 14 V. c. 65 ited.

V. And be it enacted, That all sums of money payable for licenses to keep houses of public entertainment or other licenses, under By-laws made by the Municipal Councils of Municipalities in Upper Canada under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, and any sum payable on such Licenses under the Act of the Parliament of Great Britain cited in the Preamble to the said Act, shall be payable to and shall be collected and received by such Municipal Officers as the Councils of such Municipalities respectively shall appoint to receive the same, and such Licenses shall be issued by such Municipal Officers as the said Councils respectively shall appoint to issue the same: and any Licenses to keep a house of public entertainment and to retail wines and spirituous liquors therein, issued in the manner and form and by the Municipal Officer prescribed and appointed by By-law of the Municipality in which the same shall be granted, shall be taken and held to be a License for the purpose of the said Act of the Parliament of Great Britain, and the duty imposed by the said Act shall be payable thereon.

Certain Licenses to be deemed Licenses under Imperial Act.

Provision for indemnifying Revenue Inspectors in U. C. for the loss of emoluments they will sustain by reason of this Act.

VI. And for indemnifying the several Revenue Inspectors in Upper Canada for the loss of emoluments which they will sustain by the passing of this Act, Be it enacted, That each Township, Village, Town or City Municipality in Upper Canada shall, within one year from the time when this Act shall come into force, pay over to the Receiver General of the Province, such sum as shall be estimated and certified to the Head of such Municipality by the Inspector General of this Province, as being in his opinion equal to one year's income or emoluments of any Revenue Inspector or Inspectors arising from the duties and Licenses which without this Act would be collected or issued by him or them in such Municipality, which sum the said Inspector General shall calculate on the basis of the income or emoluments received by any Revenue Inspector or Inspectors from the same source during the then last twelve months: and the sum so certified as payable by any Municipality shall be a debt due to the Crown by such Municipality, and if not paid within the period aforesaid may be recoverable by the Crown from such Municipality in any way in which debts to the Crown may be recovered in Upper Canada; and the amount so received from the several Municipalities aforesaid shall be divided among and paid to the several Revenue Inspectors in Upper Canada, in proportion to the income or emoluments which they may have lost respectively by the passing of this Act, the sum to be paid to each being determined by the Inspector General on the basis aforesaid.

Commencement of this Act.

VII. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the First day of January, one thousand eight hundred and fifty-four, and not before; except that at any time after the passing of this Act, any By-law may be passed for any purpose for which a By-law may be passed under this Act, and all things (if any) preliminary to the passing of such By-law may be done, provided such By-law be limited to come into force and effect upon or after the day last aforesaid, and not before.

This Act and

VIII. And be it enacted, That this Act shall apply only to Upper

13 & 14 V. c. 65, to be controlled by any Act passed this Session for certain purposes.

Canada, and that its provisions and the powers granted by it to the Municipal authorities in Upper Canada, and the provisions of the Act last aforesaid amending the Laws relative to Tavern Licenses in Upper Canada, and the powers therein granted to the said Municipal authorities, shall be subject to, and limited, and controlled by the provisions of any Act which may be passed during the present Session for prohibiting the granting of Licenses for the sale of intoxicating liquors on the line of any Public Work, or for otherwise prohibiting or limiting the sale of such liquors.

INSPECTORS OF WEIGHTS AND MEASURES.

ACT 12 *VIC.*, *CAP.* 85, *SEC.* 12.

An Act to amend the several Laws therein mentioned, relative to the appointment and duties of Inspectors of Weights and Measures, in Upper Canada.

Municipal bodies appointing Inspectors may have copies of Standards adjusted by the District Inspector.

XII. And be it enacted, That whenever any Municipal Body, now or hereafter to be formed in or for any City, Town or Incorporated Village in Upper Canada, shall appoint an Inspector of Weights and Measures for such City, Town or Incorporated Village, every such Inspector may apply to the Inspector appointed or to be appointed under the previous provisions of this Act, for the District, Division or County, within which such City, Town or Incorporated Village shall be situate, to adjust a copy of any of the Standard Weights and Measures for the use of such City, Town or Incorporated Village, by the Standard Weights and Measures in possession of or used by such Inspector; and upon producing to such Inspector such Weights and Measures as shall be required for such City, Town or Incorporated Village, it shall be the duty of the said Inspector carefully to compare and adjust, and to seal, stamp or mark the same as provided by law; and that the Inspector, for so doing, shall be entitled to the same fees or charges as for the like services in other cases: Provided always, that whenever any such Municipal Body shall have appointed an Inspector of Weights and Measures, and obtained such copies of the Standard Weights and Measures for the use of any such City, Town or Incorporated Village, the powers, duties and liabilities of the Inspectors appointed or to be appointed under the previous provisions of this Act, as to such City, Town or Incorporated

Fees for stamping the same.

Duties and powers of District Inspector to be transferred to the Inspector for the Municipality.

Village, shall cease, and thenceforth devolve upon and be exercised by the Inspector thereof.

SURVEYS AND BOUNDARIES.

EXTRACTS FROM ACT 12 *VIC.*, *CAP.* 35.

An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province.

Standard measures to be kept by the Commissioners of Crown Lands.

XII. And be it enacted, That the Commissioner of Crown Lands shall procure a Standard of English Measure of length, and a Standard of the old French Measure of length, compared with and corrected by the Standards for such Measures established in this Province, which shall remain in his office for the purpose of comparing therewith the Standards to be kept by each Surveyor as hereinafter provided.

Surveyors to have a standard to check their measures by.

XIII. And be it enacted, That each and every Land Surveyor duly admitted, and practising, or who shall be hereafter admitted for Upper or Lower Canada, shall procure, and shall cause to be examined, corrected and stamped, or otherwise certified, by the Commissioner of Crown Lands, or some one by him deputed for that purpose, a Standard Measure of length, under the penalty of the forfeiture of his License or Certificate, and shall previously to proceeding on any survey, verify the length of his chains and other instruments for measuring by such standard.

Punishment of persons molesting Surveyors on duty.

XIV. And be it enacted, That from and after the passing of this Act, if any person or persons shall, in any part of this Province, interrupt, molest, or hinder any Land Surveyor, while in the discharge of his duty as a Surveyor, such person or persons shall be deemed to have been guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, may be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceeding five pounds, without any prejudice to any civil remedy which such Surveyor or any other party may have against such offender or offenders, in damages by reason of such offence; and any Land Surveyor, when engaged in the performance of the duties of his profession, shall be, and he is hereby authorized and empowered to pass over, measure along, and ascertain the bearings of any Township

Civil remedy not taken away.

Powers to Surveyors to examine certain lines; doing no actual damage.

line, concession or range line, or other governing line, or side line, and for such purposes to pass over the lands of any person whomsoever, doing no actual damage to the property of such person, any law to the contrary notwithstanding.

Measures for Land in Lower Canada fixed.

XXII. And be it enacted, That the measure for Land in Lower Canada shall be the same as it was before the year of our Lord one thousand seven hundred and sixty, in all grants of Seigniories, and in the Concessions which have therein been made up to the present time, but in the Townships of Lower Canada the measure for Land shall be English measure.

Recital.

XXVI. And whereas it is expedient to provide means for ascertaining and permanently defining and marking the angles and boundary lines of Townships or Concessions in Upper Canada: Be it therefore enacted, That stone monuments or monuments of other durable materials, shall be placed at the several corners, governing points or offsets of every Township that hath been surveyed, or may hereafter be surveyed in Upper Canada, and also at each end of the several Concession Lines of such Townships; and that lines drawn in the manner hereinafter prescribed from the monuments so erected, or to be erected, shall be taken and considered to be the permanent boundary lines of such Townships and Concessions, respectively.

Stone monuments may be placed at certain points in Townships in U. C.

To be placed under the direction of the Commissioner of Crown Lands.

XXVII. And be it enacted, That the monuments to be placed as above mentioned shall be so placed under the direction and order of the Commissioner of Crown Lands of this Province.

Boundaries ascertained as aforesaid in U. C. to be deemed the true ones.

XXVIII. And be it enacted, That the courses and lengths of the said boundary lines, so ascertained and established, shall on all occasions be and be taken to be the true courses and lengths of the boundary lines of the said Townships and Concessions, in Upper Canada, whether the same do or do not, on actual survey, coincide with the courses and lengths in any Letters Patent of Grant or other Instrument mentioned and expressed in respect of such boundary lines.

Punishment of persons removing or defacing land marks in U. C. or in L. C.

XXIX. And be it enacted, That if any person or persons shall knowingly and wilfully pull down, deface, alter or remove any such monument so erected as aforesaid, in Upper Canada, such person or persons shall be adjudged guilty of felony; and if any person or persons shall knowingly and wilfully deface, alter or remove any other landmark, post, or monument placed by any Land Surveyor, to mark any limit, boundary or angle of any Township, Concession, range, lot or parcel of land, in Upper or in Lower Canada, such person or persons shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed Twenty-five pounds, and such imprisonment not to be for a longer period than Three months, without any prejudice to any civil remedy which any party may have against such offender or offenders in damages, by reason of such offence; Provided that nothing herein contained shall extend to prevent Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Proviso as to Surveyors.

XXX. And be it enacted, That it shall not be necessary for the Commissioner of Crown Lands to proceed to carry the provisions of the Twenty-sixth, Twenty-seventh and Twenty-eighth Sections of this Act into execution, until an application for that purpose shall have been made to the Governor by the District Council of the District in Upper Canada, in which the Township or Townships interested may be situate, who shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the inhabitants of any Township or Concession, to be levied on the said inhabitants, in the same manner as any sum required for any other local purpose authorized by law may be levied.

Monuments to be placed in Upper Canada except on the application of the Municipal Council.

XXXI. And whereas in several of the Townships in Upper Canada, some of the Concession lines, or parts of the Concession lines, have not been run in the original survey performed under competent authority, and the surveys of some Concession lines or parts of Concession lines have been obliterated, and owing to the want of such lines the inhabitants of such Concessions are subject to serious inconvenience: Be it therefore enacted, That it shall be lawful for the District Council of the District in which any Township in Upper Canada may be situate, on application of one half of the resident land-holders in any Concession, (or without such application if the said Council shall deem it necessary,) to make application to the Governor, requesting Him to cause any such line to be surveyed, and marked by permanent stone boundaries under the direction and order of the Commissioner of Crown Lands, in the manner prescribed in this Act, at the cost of the proprietors of the lands in each Concession or part of a Concession interested; and it shall be lawful for such District Council to cause an estimate of the sum requisite to defray the expenses to be incurred to be laid before them, in order that the same may be levied on the said proprietors, in proportion to the quantity of land held by them respectively in such Concession or part of a Concession, in the same manner as any sum required for any other purposes authorized by law may be levied; and the lines or parts

Recital.

In what cases the Municipal Council may apply to have monuments placed, U. C.

Expenses to be estimated and provided for.

Legal effect of the operation.

of line so surveyed and marked as aforesaid, shall thereafter be taken and considered to be the permanent boundary lines of such Concessions or parts of Concessions to all intents and purposes of law whatsoever; and all expenses incurred in performing any survey or placing any monument or boundary under the provisions of this section or of the next preceding section, shall be paid by the District Treasurer to the person or persons employed in such services, on the certificate and order of the Commissioner of Crown Lands; Provided always, that the said lines shall be so drawn as to leave each of the adjacent Concessions of a depth proportionate to that intended in the original survey.

Expenses to be paid to the Government.

Proviso as to adjacent concessions.

Recital.

XXXII. And whereas it is necessary to make more definite provision than is now made by law, as to the mode in which the proper courses of boundary lines shall be ascertained in certain cases in Upper Canada: Be it enacted, That in Upper Canada all boundary lines of Townships, Cities, Towns, Villages, all Concession lines, governing points, and all boundary lines of Concessions, sections, blocks, gores, commons and all side-lines and limits of lots surveyed, and all posts or monuments, which have been placed or planted at the front angles of any lots or parcels of land, provided the same have been or shall be marked, placed or planted under the authority of the Executive Government of the late Province of Quebec or of Upper Canada, or under the authority of the Executive Government of this Province, shall be and the same are hereby declared to be the true and unalterable boundaries of all and every of such Townships, Cities, Towns, Villages, Concessions, Sections, Blocks, Gores, Commons, and lots or parcels of land, respectively, whether the same shall upon admeasurement be found to contain the exact width, or more or less than the exact width expressed in any Letters Patent, Grant or other instrument in respect of such Township, City, Town, Village, Concession, Section, Block, Gore, Common, lot or parcel of land mentioned and expressed; and such Township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall embrace the whole width, contained between the front posts, monuments or boundaries, planted or placed, at the front angles of any such township, city, town, village, concession, section, block, gore, common, lot or parcel of land as aforesaid, so marked, placed or planted as aforesaid, and no more nor less, any quantity or measure expressed in the original grant or patent thereof notwithstanding; and every patent, grant or instrument, purporting to be for any aliquot part of such township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instru-

Boundaries placed under the authority of the Government to be deemed the true ones, &c. U. C.

Townships, &c. to comprise all the space included within their boundaries.

As to aliquot parts of Townships, &c.

ment; any law, usage or custom to the contrary thereof in anywise notwithstanding.

[VII. And be it enacted, That the powers and duties, by the thirtieth and thirty-first Sections of the Act passed in the last Session of Parliament, chaptered thirty-five, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, conferred and imposed upon the Municipal Councils of the different Counties (therein called Districts) in Upper Canada, and on the Treasurers and other officers thereof, shall be and the same are hereby transferred to and imposed upon the different Township Municipalities in Upper Canada, and upon their Treasurers and Officers respectively, to be exercised and performed by such Township Municipalities, their Treasurers and other Officers in the like cases and in the like manner as is therein provided with respect to such corresponding Municipal Councils, their Treasurers and their Officers; and no such powers or duties shall henceforth belong to, or be required of, the Municipal Councils of the different Counties or Union of Counties in Upper Canada, their Treasurers or other Officers, or any of them.]

13 & 14 Vic. cap. 51, sec. 7. Certain powers, &c., as to surveys under 12 V. c. 35, transferred to and vested in township municipalities.

XXXIII. And be it enacted, That in every City, Town or Village in Upper Canada, which has been surveyed by the authority aforesaid, all allowances for road or roads, street or streets, lane or lanes, common or commons, which have been laid out in the original survey of such City, Town or Village, shall be and the same are hereby declared to be public highways and commons: and all posts or monuments which have been placed or planted in the original survey of such City, Town or Village, to designate or define any allowance for road or roads, street or streets, lane or lanes, lot or lots, common or commons, shall be and the same are hereby declared to be the true and unalterable boundaries of all such roads, streets, lanes, lots and commons; and all Land Surveyors, when employed to make surveys in such City, Town or Village are hereby required to follow and pursue the same rules and regulations in respect of such survey as is by law required of them when employed to make surveys in Townships.

Road allowances in Cities, &c., to be public highways, U. C.

XXXIV. And whereas many Townships, tracts or blocks of land in Upper Canada were granted by the Crown to companies and individuals before any surveys were made therein, and such Townships, tracts or blocks of land were afterwards surveyed by the owners thereof: Be it therefore enacted, That all such Surveys of such Township, tracts or blocks of land in Upper Canada, shall be and the same are hereby declared to be original surveys thereof, and to have the same force and effect as though the said original surveys and plans thereof had been made by the authority aforesaid; and all allowances for roads or commons which have been surveyed in such Townships, tracts or blocks of

Recital.

As to lands granted in blocks and subsequently surveyed by the Grantees. U. C.

land, and laid down on the plans thereof, shall be and the same are hereby declared to be public highways and commons: and all lines which have been run and marked in such original surveys, and all posts or monuments which have been planted or placed in such original surveys, to designate and define any allowances for road, concession or concessions, lot or lots of land, common or commons, shall be and the same are hereby declared to be the true and unalterable lines and boundaries of all such allowances for road, common or commons, lot or lots of land, and all land Surveyors, when employed to make surveys in such Townships, tracts or blocks of land, are hereby required to follow and pursue the same rules and regulations in respect of such Township, tracts or blocks of land, and the original surveys thereof, as is by law required of them to follow and pursue in all Townships, tracts or blocks of land which have been surveyed by the authority aforesaid.

Governing lines declared, U. C.

XXXV. And be it enacted, That the course of the boundary line of each and every concession, on that side from which the lots are numbered, shall be and the same is hereby declared to be the course of the division or side-lines throughout the several townships or concessions in Upper Canada, respectively, provided always, that such division or side-lines were intended, in the original survey performed under such competent authority as aforesaid, to run parallel to the said boundary; and all Surveyors shall and are hereby required to run all divisions or side-lines, which they may be called upon by the owner or owners of any lands to survey, so as to correspond with and be parallel to that boundary line of the concession in which such lands are situate, from whence the lots are numbered as aforesaid, provided always, as aforesaid, that such division or side-lines were intended, in the original survey performed under such competent authority as aforesaid, to run parallel to the said boundary; Provided also, that when that end of a concession, from which the lots are numbered, is bounded by a lake or river, or other natural boundary, or when it has not been run in the original survey performed under such competent authority as aforesaid, or when the course of the division or side-lines of the lots therein was not intended in the original survey performed as aforesaid, to run parallel to such Boundary, the said division or side lines shall run parallel to the boundary line at the other extremity of such concession, provided their course was intended, in the original survey performed as aforesaid, to be parallel thereto, and that such boundary line was run in the original survey; Provided further, that when in the original survey, performed under such competent authority as aforesaid, the course of the division or side-lines in any concession was not intended to be par-

Proviso.

Proviso.

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Proviso.

allel to the boundary line at either end of such Concession, they shall be run at such angle with the course of the boundary line at that end of the said concession from which the lots are numbered, as is stated in the plan and field-notes of the original survey, of record in the office of the Commissioner of Crown Lands of this Province, provided such line was run in the original survey as aforesaid, or with the course of the boundary line at the other extremity of the said concession, if the boundary at that end of the concession from which the lots are numbered was not run in the original survey as aforesaid; or if neither of the aforesaid boundaries of the concession were run in the original survey, or if it be bounded at each end by a lake or river or other natural boundary, then at such angle with the course of the line in front of the said concession, as is stated in the plan and field-notes as aforesaid: Provided nevertheless, that if any division or side-line between lots, or proof-line intended to be parallel to the division or side-lines between lots, shall have been drawn in any such concession in the original survey thereof, the division or side-lines between the lots therein shall be drawn parallel to such division or side-line or proof-line; and when two or more such division or side-lines or proof-lines have been drawn in the original survey of such concession, that division or side-line or proof-line which is nearest to the boundary of the concession from which the lots are numbered, and shall govern the course of the division or side-lines of all the lots in such concession between the boundary of the concession from which the lots are numbered and the next division or side-line or proof-line drawn in the original survey, which shall govern the course of the division or side-lines of all the lots up to the next division or side-line or proof-line drawn in the original survey; or to the boundary of the concession towards which the lots are numbered, as the case may be: Provided further, that in all those townships in Upper Canada, which in the original survey have been divided into sections, agreeably to an Order in Council bearing date the twenty-seventh day of March, one thousand eight hundred and twenty-nine, the division or side-lines in all concessions in any section shall be governed by the boundary lines of such section, in like manner as the division or side-lines in townships originally surveyed before the said day are governed by the boundary lines of the concession in which the lots are situate.

Proviso.

Proviso.

XXXVI. And be it enacted, That the front of each concession in any Township in Upper Canada, where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be considered to be, and the same is hereby declared to be that end or boundary of such concession which is nearest to the boundary of the township from which the several concessions

What shall be deemed the front of a concession in certain cases, U. C.

thereof are numbered: Provided always, that in those townships in Upper Canada, which are bounded in front by a river or lake where no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the width in front of the lots in the broken front concessions, the division or side-lines of the lots in such broken front concessions shall be drawn from the posts or other boundaries on the concession line in rear thereof, parallel to the governing line determined as aforesaid to the river or lake in front; Provided also, that when the line in front of any such concession has not been run in the original survey, the division or side-lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the rear line thereof parallel to the governing line determined as aforesaid to the depth of the concession—that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportionate depth intended in the original survey, as shown on the plan and field-notes thereof of record in the Office of the Commissioner of Crown Lands of this Province, having due respect to any allowance for a road or roads made in the original survey; and that a straight line joining the extremities of the division or side-lines of any lot in such concession drawn as aforesaid, shall be the true boundary of that end of the lot which has not been run in the original survey.

Proviso: when the front line of any concession was not run in the original survey.

Fronts of concessions in certain other cases; depths of lots, &c. U. C.

XXXVII. And be it enacted, That in those Townships in Upper Canada in which the concessions have been surveyed with double fronts, that is, with posts or monuments planted on both sides of the allowances for roads between the concessions, and the lands shall have been described in half lots, the division or side lines shall be drawn from the posts at both ends to the centre of the concession, and each end of such concession shall be, and the same is hereby declared to be the front of its respective half of such concession, and that a straight line joining the extremities of the division or side-lines of any half lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the half lot which has not been bounded in the original survey.

As to concessions in cases where alternate concession lines only have been run. U. C.

XXXVIII. And be it enacted, That in those Townships in Upper Canada in which each alternate concession line only has been run in the original survey, but with double fronts as aforesaid, the division or side-lines shall be drawn from the posts or monuments on each side of such alternate concession lines to the depth of a concession, that is to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, to the proportionate depth intended in the original survey, as shewn on the plan and field-notes thereof of record in the office of the Commissioner of Crown Lands of this Province; and each alternate concession line as aforesaid shall be and the same is hereby declared to be the front of each of the two concessions abutting thereon.

Rule when a line is to be drawn parallel to a governing line. U. C.

XXXIX. And be it enacted, That every Land Surveyor, when and as often as he is employed in Upper Canada to run any division-line or side-line between lots, or any line required to run parallel to any division-line or side-line in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done, but the course cannot at such time be ascertained, determine by astronomical observation the true course of a straight line between the front and rear ends of the governing boundary line of the concession or section, and shall run such division-line or side-line as aforesaid, truly parallel to such straight line, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposes of this Act, although such governing or boundary line as marked in the field be curved or deviate otherwise from a straight course; and the same rule shall be observed, if a line is to be run at any angle with a front line or other line, which may not be straight.

Case where the original post or monument cannot be found provided for. U. C.

XL. And be it enacted, That in all cases when any land Surveyor shall be employed in Upper Canada to run any side-line or limit between lots, and the original post or monument from which such line should commence cannot be found, he shall in every such case, obtain the best evidence that the nature of the case will admit of, respecting such side-line, post or limit; but if the same cannot be satisfactorily ascertained, then the Surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments, and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field-notes thereof of record in the office of the Commissioner of Crown Lands of this Province; and if any portion of the line in front of the concession in which such lots are situate, or boundary of the Township in which such concessions are situate, intended in the original survey to be straight, shall be obliterated or lost, then the Surveyor shall run a straight line between the two nearest points or places where such line can be clearly and satisfactorily ascertained, and shall plant all such intermediate posts or monuments as he may be required to plant, in the line so ascertained, having due respect to any allowance for a road or roads, common or commons, set out in such original survey; and the limits of each lot so found shall be taken to be and are hereby declared to be, the true limits thereof; any law or usage to the contrary thereof in any wise notwithstanding.

Recital.

XLI. And whereas many Towns and Villages in Upper Canada have been surveyed and laid out by companies and individuals, and by different owners of the lands comprising the same, and lands have been sold therein according to the surveys and plans thereof: Be it therefore enacted, That all allowances for road, street or streets, common or commons, which have been surveyed in such Towns or Villages in Upper Canada, and laid down on the plans thereof, and upon which lots of land fronting on or adjoining such allowances for road, street or streets, common or commons, have been sold to purchasers, shall be and the same are hereby declared to be public highways, streets and commons; and all lines which have been run, and the courses thereof given in the survey of such Towns and Villages, and laid down on the plans thereof, and all posts or monuments which have been placed or planted in the first survey of such Towns and Villages to designate or define any such allowances for road, street or streets, lot or lots, common or commons, shall be and the same are hereby declared to be the true and unalterable lines and boundaries of all such allowances for such road, street or streets, lot or lots, common or commons, in such Towns and Villages, respectively: Provided always, that no lot or lots of land in such Towns and Villages, shall be so laid out as to interfere with, obstruct, shut up, or compose any part of any allowance for road, common or commons, which was surveyed and reserved in the original survey of the Township or Townships wherein such Towns or Villages are or may be situate: Provided also, that any owner or owners of any such Towns and Villages, or the owner or owners of any original division thereof, shall have lawful right to amend or alter the first survey and plan of any such Town or Village, or any original particular division thereof, provided no lots of land have been sold fronting on or adjoining any street or streets, common or commons where such alteration is required to be made: Provided also, that from and after the passing of this Act, no such private survey shall be valid, unless performed by a duly authorized Surveyor.

As to allowances for road or streets in Towns or Villages laid out by private parties. U. C.

Proviso.

Proviso.

Proviso.

XLII. And be it enacted, That the original owner or owners of the lands forming the site of any Town or Village in Upper Canada, mentioned in the next preceding Section of this Act, or the agent or agents, heirs or other legal representatives of the original owner or owners of any such Town or Village, or any original division thereof, shall, within

Original owners or their heirs, &c. to deposit plans of Towns, &c. Villages laid out by them. U. C.

one year from and after the passing of this Act, make or cause to be made and deposited in the Registry Office of the County wherein such Town or Village is situate, a fair and correct plan or map of such Town or Village, or original division thereof, on a scale of not less than an inch to every four chains, and lay down thereon, or cause to be laid down thereon, all roads, streets, lots and commons within the same, with the courses and width of the roads, streets and commons, and the width and length of all lots, and the courses of all division-lines between the respective lots within the same, together with such information as shall show the lot or lots, concession or concessions, tract or tracts, block or blocks of land of the Township wherein such Town or Village shall be situate, and every such plan or map of every such Town or Village or original division thereof, shall be certified by some Land Surveyor, and also by the original owner or owners thereof, or the legal representative or representatives of such owner or owners, as being a correct plan or map of the same; and every copy of such plan or map obtained from such Registry Office, and certified as correct by the Registrar of such County, shall be taken as evidence of the original plan and survey of such Town or Village in all Courts of Record; and if any such owner or owners of any such Town or Village, or any original division thereof, or their agents, heirs, or other legal representatives, shall refuse or neglect to make or cause to be made, any such plan or map of any such Town or Village, or original division thereof, and deposit the same in a Registry Office of the County wherein the same is situate, within one year from and after the passing of this Act, he, she, or they shall forfeit and pay for such refusal or neglect, the sum of two pounds ten shillings, and a like sum for every year thereafter until such plan or map shall be made and deposited in the Registry Office of the County wherein the same is situate; and the payment of any such penalty or penalties shall not be held to free or discharge such owner or owners, their agents, heirs or other legal representatives, from any such penalties which may not have been paid at the time of such payment; and all such penalties, fines and forfeitures may and shall be collected in the same manner and applied to the same purposes as like penalties, fines and forfeitures are required to be collected and applied under and by authority of the sixth and seventh Sections of the Act passed in the eighth year of Her Majesty's reign, and intituled, *An Act to declare certain Lands in Upper Canada liable to Assessment, and to oblige the owners of such Lands to make Returns thereof to the District Treasurer.*

Plan to be certified.

Penalty for neglect.

Effect of payment of any penalty.

Recovery and application of penalties.

8 Vic. c. 58.

XLIII. And be it enacted, That whenever any such plan or map of any such Town or Village, in Upper Canada, or original division there-

Duty of the Registrar in whose office any such

Plan shall be deposited. U. C.

of, shall be made and deposited in the Registry Office of the County wherein the same shall be situate, it shall be the duty of the Registrar of such County to make a record of the same, and enter the day and year on which the same shall be deposited in his office; and for such service the said Registrar shall be entitled to charge the same fees, and no more, than are by law established for making a record of any other document, which is by law required to be entered of record in such office; and such Registrar shall thereupon keep a separate book for the registering of title deeds of lands situate in such Town or Village, in the same manner as is by law required for registering of title deeds for lands situate in Townships.

As to lands in adjoining concessions included in the same grant. U. C.

XLIV. And for avoiding all doubt as to the application of the foregoing enactments in the cases hereinafter mentioned: Be it declared and enacted, That in all cases where any Letters Patent of grant, or other Instrument, has issued for several lots or parcels of land in Upper Canada, in concessions adjoining each other, the side-lines or limits of the lots or parcels of land therein mentioned and expressed, shall commence at the front angles of such lots or parcels of land respectively, and shall be run as hereinbefore provided, and shall not continue on in a straight line, through several concessions, unless the side-lines or limits, when run as aforesaid, shall intersect the corresponding post or monument in the front of the concession next in rear, that is to say, each such lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same grant or instrument.

Surveyors in U. C. to keep regular journals and field-notes, and furnish copies to parties interested.

XLV. And be it enacted, That each and every Land Surveyor in Upper Canada shall keep exact and regular journals and field-notes of all his surveys, and file them in the order of time in which the said surveys have been performed, and shall give copies thereof to the parties concerned when so required, for which he shall be allowed the sum of five shillings currency, for each copy, if the number of words therein do not exceed four hundred words, but if the number of words therein exceed four hundred, he shall be allowed six pence additional for every hundred words therein, over and above four hundred words.

Surveyors in U. C. may administer oaths for certain purposes.

XLVI. And be it enacted, That for better ascertaining the original limits of any lot, concession, range, township or tract of land in Upper Canada, every Land Surveyor acting in that portion of this Province, shall be and he is hereby authorized and required to administer an oath or oaths to each and every person whom he may examine at any time concerning any boundary, post or monument, or any original land mark, line, limit or angle of any township, concession, range, lot or tract of land which such surveyor may be employed to survey.

Evidence taken by Surveyors in U. C. to be reduced to writing and signed; &c.

XLVII. And be it enacted, That all evidence to be taken by any Surveyor as aforesaid, in Upper Canada, shall be reduced to writing, and shall be read over to the person giving the same and signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same with the Surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Surveyor, with reference to any survey by him performed, may be filed and kept in the Registry Office of the County in which the lands to which it relates shall be situate, subject to be produced thereafter in evidence in any Court of Law or Equity within Upper Canada; and for receiving and filing the same, the Registrar shall be entitled to one shilling and three pence currency; and the expense of filing the same shall be borne by the parties in the same manner as other expenses of the survey.

Wilful false swearing under this Act to be perjury.

XLVIII. And be it enacted, That if any person shall, in any part of this Province, wilfully swear or affirm falsely concerning any matter with regard to which an oath may be required under this Act, such person shall be deemed guilty of wilful and corrupt perjury, and being thereof convicted before any competent Court shall be liable to be punished accordingly.

As to cases in U. C. where from unskilful survey a party may have improved lands afterwards found to belong to his neighbour.

XLIX. And be it enacted, That if any action of ejectment shall be brought against any person or persons, who, after any line or limit shall have been established according to this Act, in Upper Canada, shall be found in consequence of unskilful survey, to have improved on lands not his, her or their own, it shall and may be lawful for the Judge of Assize, before whom such action shall have been tried, to direct the Jury to assess such damages for the defendant or defendants for any loss he, she or they may sustain in consequence of any improvement made before the commencement of such action, and also to assess the value of the land to be recovered; and if a verdict shall be found for the plaintiff or plaintiffs, no Writ of Possession shall issue until such plaintiff or plaintiffs shall have tendered or paid the amount of such damages as aforesaid, or shall have offered to release the said land to the defendant, provided the said defendant should pay or tender to the plaintiff the value of the land so assessed, before the fourth day of the ensuing term.

Plaintiff not to have costs in such cases from the time defendant offers to give up the lands on receiving the va-

L. And be it enacted, That from and after the passing of this Act, in all cases in which the Jury before whom any action of ejectment shall be tried in Upper Canada, shall assess the damages for the defendant as provided in the next preeding section, for improvements lue of his improvements, stating the amount. Unless the Jury shall assess the improvements at less than the sum demanded. Proviso; that no proof of Plaintiff's Lessor's title be required.

made upon land not his own, in consequence of unskilful survey, and when it shall be satisfactorily made to appear that the defendant does not contest the plaintiff's action for any other purpose than to obtain the value of the improvements made upon the land previous to the alteration and establishing of the lines according to law, it shall and may be lawful for the Judge before whom such action shall be tried, to certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been non-suited on the trial, or a verdict rendered for the defendant; provided the defendant shall, at the time of entering into the consent rule, have given notice in writing to the lesser or lessors of the plaintiff in such ejectment, or to his Attorney named on the Writ or declaration of the amount claimed for such improvements, on payment of which amount the defendant or person in possession will surrender the possession to such lessor or lessors, and that the said defendant does not intend at the trial to contest the title of the lessor or lessors of the plaintiff; and if such notice shall on the trial be found not to have been given as aforesaid, or if the Jury shall assess for the defendant a less amount than that claimed in the notice, or shall find that the defendant has refused to surrender possession of the land claimed, after tender shall have been made of the amount claimed, then in any of such cases the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; any thing herein contained to the contrary nothwithstanding; Provided always, that upon the trial of any such cause no evidence shall be required to be produced in proof of the title of the lessor or lessors of the plaintiff.

EXTRACTS FROM 14 *&* 15 *VIC., CAP.* 4.

An Act to amend the Act concerning Land Surveyors.

Two Boards of Examiners appointed: of whom to consist.

II. And be it enacted, That for and notwithstanding any thing in the said Act, there shall be two Boards of Examiners for the examination of Candidates for admission to practise as Land Surveyors, one to consist of the Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Governor, and to meet at the City of Quebec for the examination of Candidates for admission to practise as Land Surveyors in Lower Canada, and the other to consist of the said Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Government, and to meet at the City of Toronto for the examination of Candidates for admission to practise as Land Surveyors in Upper Canada; and the present Board of Examiners shall be dissolved: and any three of the Members of either of the said Boards shall form a quorum; and each of the said Boards or a majority thereof shall appoint a Secretary; and the said Boards shall meet at the places hereinbefore mentioned respectively on the days appointed in and by the said Act for the meeting of the Board therein mentioned; and each of the said Boards and the Members and Secretary thereof shall, as regards the examination of Candidates for admission to practise in that section of the Province in and for which such Board shall sit, and as regards Surveyors practising therein, have the same authority, powers and duties as are by the said Act vested in the Board therein mentioned and its Secretary, and shall be bound by the same rules in the exercise and performance thereof.

Present Board dissolved.

Quorum.

Secretary.

Meetings.

Powers and duties.

VIII. And be it enacted, That the Standard English Measures of Length imported under the requirements of the Act hereby amended, shall hereafter be deposited with the Secretary of the Board of Examiners at Toronto, and the Standard French Measures of Length imported under the said Act, and the copy of the said Standard English Measures of Length now in the Office of the Commissioner of Crown Lands at Montreal (which copy shall be hereafter used as a standard for the purposes of the said Act) shall be deposited with the Secretary of the Board of Examiners of the City of Quebec, and the said Secretaries respectively, under such instructions as they shall receive from time to time from their respective Boards, shall and may examine, test and stamp Standard Measures of Length for the Surveyors bringing the same for examination, as the Commissioner of Crown Lands may do under the Act aforesaid and with the same effect, and for each measure so examined and stamped such Secretary may demand and receive Two Shillings and Six Pence Currency.

EXTRACTS FROM 12 VIC., CAP. 35.

Land Surveyors and the Survey of Lands.

II. And be it enacted, That no person shall, after the passing of this Act, survey lands for hire or profit within Upper Canada or Lower Canada, or Act in any way as a Land Surveyor within either portion of this Province, for hire or profit, unless he shall be duly authorized to practice as a Land Surveyor according to the provisions of this Act, or shall have been so authorized before the passing thereof, according

Penalty on persons practising as Surveyors without being duly licensed.

to the Laws then in force, under a penalty of Ten pounds currency for each offence, to be recovered by any person who shall sue for the same in any Court having Civil Jurisdiction to the amount of such penalty, one moiety whereof shall belong to Her Majesty and make part of the Consolidated Revenue Fund of this Province, and the other moiety shall belong to the person suing for the penalty.

Board may suspend or remove a Surveyor.

X. And be it enacted, That it shall be lawful for the Board of Examiners to suspend or dismiss any Land Surveyor from the practice of his profession, as they shall in their discretion deem proper whom they shall find guilty of gross negligence or corruption in the execution of the duties of his office: Provided nevertheless, that the Board shall not suspend or dismiss such Land Surveyor, without having previously summoned him to appear in order to be heard on his defence, nor without having heard the evidence, which shall have been offered either in support of the complaint or in behalf of the Surveyor inculpated.

Proviso: the party accused to be summoned and heard.

Chain-bearers to be sworn.

XI. And be it enacted, That each and every chain-bearer, whether acting in Upper or in Lower Canada, shall, before he commences his chaining or measuring, take an oath or affirm, to act as such justly and exactly according to the best of his judgment and abilities, and to render a true account of his chaining or measuring to the Surveyor by whom he may have been appointed to such duty, and that he is absolutely disinterested in the survey in question, and is not related or allied to any of the parties interested in the survey within the fourth degree, according to the computation of the civil law, that is to say, within the degree of Cousin German, which oath the Surveyor employing such chain-bearer is hereby authorized and required to administer; nor shall any person related or allied to any of the parties within the said degree, be employed as a chain-bearer on any survey.

Not to be related to the parties.

REGISTRY LAWS AMENDMENTS.

ACT 16 *VIC.*, *CAP.* 187, *SECS.* 1, 2, 3 *&* 4.

An Act to amend the Registry Laws of Upper Canada.

Preamble.

Whereas the recent changes in the Territorial Divisions of Upper Canada, have rendered it necessary to make certain changes in the Registry Laws of that section of the Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where any City, Town, Township, reputed Township or place, theretofore making part of any County in Upper Canada, in and for which a separate Registry Office is or shall be kept, has been or shall be detached from such County and attached to or become part of another County in and for which a separate Registry Office is or shall be kept, the Registry Book or Books kept for such City, Town, Township, reputed Township or place under the provisions of the twenty-second section of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, and all plans or maps of Town or Village Lots in such City, Town, Township, reputed Township or place, lodged in the office of such Registrar, pursuant to the thirty-third section of the said Act, shall be delivered by the Registrar of the County from which such City, Town, Township, reputed Township or place is or shall be detached, to the Registrar of the County to which the same is or shall be attached, or of which it shall become part, to be kept by him among the Registry Books of his office, and dealt with in all respects by him and his successors in office in like manner as the Registry Books originally made and kept therein: Provided always, that a statement of such titles of or relating to lands lying in such City, Town, Township, reputed Township or place, as may have been registered before separate Registry Books were kept for each Township or place, under the authority of the said Act, shall be furnished by the Registrar of the County from which such Township or place shall have been detached, to the Registrar of the County to which the same shall have been attached, or of which it shall become part, in the manner provided by the thirty-second section of the Act last above cited; and the provisions of this section shall apply to each and every City, Town, Township, reputed Township or place in any new County, and in any County which being theretofore united with another County or Counties for the purposes of registration of titles, shall be detached therefrom for such purposes, and become entitled to have a separate Registry Office.

When any place is detached from a County for Registration purposes, the books, &c., relating to such place shall be delivered to the Registrar of the County to which it is attached.

9 V. c. 34.

Proviso: a statement to be delivered of titles registered before separate Books were kept for each place.

This sec. to apply to places in new Counties, &c.

II. And be it enacted, That the statement to be furnished by the Registrar of a County to the Registrar of any new County under the thirty-second section of the said in part recited Act, shall be accompanied by an index thereto, which shall be considered as a part of the

Statements under s. 32, of 9 V. c. 34, to be accompanied with an Index and Certificate.

said statement, and such Registrar shall carefully compare such statement with the original entries in the Register Books in his office, and endorse a Certificate to that effect on such statement when furnishing the same to the Registrar of such new County: And such statement shall, in addition to the particulars required by the said thirty-second section, contain the names of the parties to such Deeds and of the witnesses thereto, and shall also contain the same particulars with regard to Wills and other registered documents affecting lands in such new County as are required concerning Deeds, and shall also furnish a statement of any Wills registered in any General Registry Book of Wills, whether such Book was procured before or since the passing of the said Act.

It shall contain certain further particulars.

III. And be it enacted, That no Registry Book shall after the passing of this Act be furnished by the Secretary of the Province to any Registrar in Upper Canada under the twenty-second section of the Act hereinbefore recited, but whenever any Registrar shall require a new Registry Book, the same shall be furnished to him by the Treasurer of the County on his application therefor, and shall be paid for by such Treasurer out of the County Funds, and the Certificate now given by the Provincial Secretary in and with regard to any such Registry Book, or one to a similar effect, shall be given by the Judge of the County Court having jurisdiction in such County, on the application of the Registrar, and such Certificate shall be in the form or to the effect in the Schedule to this Act annexed: and if such Treasurer shall refuse or neglect to furnish such Book within thirty days after the application of the Registrar, the Registrar may provide the same, and recover the cost thereof from the Municipality of the County. And such Registry Books shall be as nearly as may be of the like size and description as those heretofore furnished to Registrars in U. Canada by the Provincial Secretary under the said twenty-second section of the said Act.

Register Books not to be furnished hereafter by the Province, but by the County.

Size and form to be as at present.

IV. And be it enacted, That each County in Upper Canada, now entitled to return a Member or Members of the Legislative Assembly to represent such County in the Provincial Parliament, shall be also entitled to have a separate Registry Office for the registration of titles, and Registrars shall be appointed accordingly, but until the establishment of such separate Registry Offices as may be established under this Act, all Deeds, Wills, Memorials or other Instruments may be registered in the same Offices, and with the same effect, as if this Act had not been passed.

Each County returning a Member to have a Registry Office, &c.

SCHEDULE.

Form of Certificate referred to in the third Section of this Act.

This Register contains pages, and is to be used in and for the (City, Town *or* Township of, *as the case may be*) in the County of   for the Enregistration of Memorials, under the provisions of the Act of the Legislature of the Province of Canada, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, and of the Act of the said Legislature amending the same, and is provided in pursuance of the requirements of the said Statutes.

Dated this   day of   in the year of Our Lord, one thousand eight hundred and fifty-   A. B.,
Judge of the County Court.

EXTRACTS FROM JURORS' ACTS.

13 & 14 *VIC.*, *CAP.* 55, *as amended by* 14 & 15 *VIC.*, *CAP.* 65., *and* 16 *VIC.*, *CAP.* 120.

An Act for the consolidation and amendment of the Laws relative to Jurors, Juries and Inquests, in that part of this Province called Upper Canada.

Preamble. Whereas it is expedient to consolidate and amend the Laws now in force in that part of this Province called Upper Canada, relating to Juries and Inquests, and those to be summoned to serve thereon, and to introduce such a system for the selection and return of Jurors as shall better secure public confidence in the impartial administration of Justice in the trial by Jury: Be it therefore enacted by the Queen's Most Excellent Majesty, &c.,

Who shall be qualified as a juror. I. That every man, except as hereinafter excepted, over the age of twenty-one years, residing in any County or in any City or the Liberties thereof, or in any other local judicial division in Upper Canada, in the possession of his natural faculties and not infirm or decrepit, who shall be assessed for local purposes according to Law, for property, real or personal, or both, belonging to him in his own right or in that of his wife, to the amount hereinafter mentioned, shall be qualified and liable to serve as a Juror both on Grand and Petit Juries in Her Majesty's Superior Courts of Common Law at Toronto, having General, Criminal or Civil Jurisdiction throughout Upper Canada, and in all Courts of Criminal or Civil Jurisdiction within the County, Union of Counties, City or other local judicial division of the County in which he shall so reside.

Parting with pro- II. And be it enacted, That no person shall be disqualified or relieved perty after assessment, not to disqualify.

from serving as such Juror in consequence of his having ceased to be seized or possessed of the property in respect of which he may have been enrolled as such Juror, between the time of enrollment and his being called upon to serve as such Juror, nor shall the same form any ground of challenge to such Juror.

Joint proprietors to be deemed equally interested.

III. And be it enacted, That whenever property shall be assessed on the assessment Roll of any Township, Village or Ward, as the property of two or more persons jointly, the Selectors of Jurors hereinafter mentioned to whom it shall belong to extract from such Roll the names of those thereon qualified and liable to serve as Jurors under this Act, may, and if they shall have the requisite information as to the names of the parties to enable them to do so, such Selectors shall, in making such extract, and for all the purposes of this Act, treat such property as if it belonged to such persons in equal proportions, and each of such persons as respects his qualification and liability to serve as such Juror shall be treated by such Selectors of Jurors in making such abstract as if he had been severally assessed for such equal proportion of such property.

16 Vic., cap. 120, sec. 2. Clause substituted for repealing sect. 4 of the said Act.

Property qualification.

[II. And be it enacted, That the following clause shall be substituted for the repealed fourth section of the Act first above cited and shall be read as part of the said Act: "And be it enacted, That the amount of property in respect of which every man shall be qualified and liable to serve as such Juror, shall be determined by the relative amount of property for which he shall be assessed on the Assessment Roll of the Township, Village or Ward of which he shall be a resident inhabitant at the time of the annual election of Jurors, by the Selectors for such Township, Village or Ward as hereinafter provided, and that the mode for ascertaining the same shall be as follows, that is to say: The names of one half of the assessed Resident Inhabitants of the Township, Village or Ward, shall be copied from the Assessment Roll of such Township, Village or Ward, commencing with the name of the person rated at the highest amount on such Roll, and proceeding successively towards the name of the person rated at the lowest amount, until the names of one half of the persons assessed upon such Roll shall have been copied from the same; and the amount for which the last of such persons shall be assessed upon the said Roll, shall be that which shall qualify every Resident Inhabitant of such Township, Village or Ward, and render him liable to serve as such Juror."]

Persons over 60, &c., holding certain offices, or exercising certain professions or callings, exempted from serving as jurors.

V. And be it enacted, That all persons of upwards of sixty years of age,—all Members of the Executive Council of this Province,—the Secretary of His Excellency the Governor of the Province for the time being, and all officers and others in the service of the Governor for the time being,—all officers of the Provincial Government, and all clerks and servants belonging to either House of the Provincial Parliament, or to the Public Departments of the Province,—the Warden of the Provincial Penitentiary, and all the officers and servants of the said Penitentiary,—all Judges of Courts having general jurisdiction throughout Upper Canada,—the Judges of the County Courts and the Judges of all other Courts, except the Quarter Sessions of the Peace having jurisdiction throughout any County, Union of Counties or City in Upper Canada,—all Sheriffs, Coroners, Gaolers and Keepers of Houses of Correction and of Lock-up Houses,—all Priests, Clergymen and Ministers of the Gospel, recognized by law, to whatever denomination of Christians they may belong,—all members of the Law Society of Upper Canada, actually engaged in the pursuit or practice of their profession, whether as Barristers or Students,—all Attorneys, Solicitors and Proctors actually practising,—all Officers of the Courts of Justice, whether of general County, City or other local jurisdiction, actually exercising the duties of their respective offices,—all Physicians, Surgeons and Apothecaries actually practising,—all Officers in Her Majesty's Army or Navy on full pay,—all Pilots and Seamen actually engaged in the pursuit of their calling,—all Officers of the Post Office, Customs and Excise,—all Sheriff's Officers and Constables,—all County, Township, City, Town and Village Treasurers and Clerks,—all Collectors and Assessors,—all Professors, Masters and Teachers of any University, College, County Grammar School, Common School or other School or Seminary of learning, actually engaged in performing the duties of such appointments respectively, and all officers and servants of any such University, College, School or Seminary of learning, actually exercising the duties of their respective offices or employments,—all Millers, and all Firemen belonging to any regular Fire Company, shall be and are hereby absolutely freed and exempted from being returned and from serving as either Grand or Petit Jurors in any of the Courts aforesaid, and shall not be inserted in the Rolls to be prepared and reported by the Selectors of Jurors by virtue of this Act, as hereinafter mentioned.

Members of the Legislature and certain municipal funcionaries exempted from serving at certain courts.

VI. And be it enacted, That all Members of the Legislative Council and of the Commons House of Legislative Assembly of this Province,—all Wardens of Counties or Unions of Counties, and all other Members of any County Council,—all Mayors, Townreeves and Deputy Townreeves of any City, Town, Township or Village,—all Justices of the Peace, and all other Members and Officers of any Municipal Corporation, shall be and are hereby absolutely freed and exempted from being selected by the Selectors of Jurors hereinafter mentioned to serve as Grand or Petit Jurors in Her Majesty's Inferior Courts, and the names of such persons shall not be inserted in the Rolls from which Jurors are to be taken for such purpose, and if any such name shall have been accidentally inserted in any such Roll, it shall, if drawn in balloting any Jury list or drafting any Panel therefrom, be set aside and not inserted therein, and all such persons shall be moreover absolutely freed and exempted from being returned to serve as Petit Jurors upon any General Precept, to any Sessions of Assize or *Nisi Prius*, Oyer and Terminer or Gaol Delivery, and the names of such persons if drawn in drafting such Panel, shall be set aside and not inserted in the same.

Exemptions arising from having actually served as a juror within a certain time previously.

VII. And be it enacted, That every person whose name shall have been inserted in any of the Jury Lists as hereinafter provided, for the years next before that in which his name shall be again drawn in any of such Lists or for some prior year, within the Rule of Exemption hereby established, and shall have duly served on some Panel returned under a general Precept from such Jury List, until discharged by the Court to which such Panel was so returned, shall be exempt from having his name inserted in any of such lists for any subseqent year within such rule of exemption, that is to say, if the Juror's Roll from which such name shall be drawn as hereinafter provided, shall contain a sufficient number of names to make two complete Jury Lists of the denomination of such Jurors' Roll, such person shall be exempt from having his name inserted in such Jury List if it shall appear by the Jurors' Book of the preceding year that his name had been inserted in any of the Jury Lists for that year, and that he duly attended and served upon any such Panel as aforesaid; and if there shall be a sufficient number of names on such Jurors' Roll to make three such complete Jury Lists, such person shall be exempt from having his name so inserted if it shall appear by either of the Jurors' Books of either of the two preceding years, that his name had been inserted in any of such Jury Lists for either of such years, and that he had so attended and served as aforesaid, for either of such years, and so on, *toties quoties*, allowing one additional year's exemption for each complete additional Jury List that such Jurors' Roll shall furnish as aforesaid.

Service as a city juror not to exempt from service as a county juror, and *vice versa*.

VIII. And be it enacted, That notwithstanding any thing in this Act contained, service as a Juror upon any Panel returned by the Sheriff of any County or Union of Counties, shall not exempt the person who shall so serve from again serving as a Juror upon any Panel returned by the High Bailiff or other proper Officer of any City embraced within the Bailiwick of such Sheriff, though such service may be so required of such Juror within the period of exemption provided for by the next preceding section of this Act, nor shall any such service upon any Panel returned by the High Bailiff or other proper Officer of any such City, having a Recorder's Court established in the same, exempt the person who shall have so served from again serving as a Juror upon any Panel returned to any of the Superior Courts of Criminal or Civil Jurisdiction, by the

Sheriff of the County or Union of Counties within the limits of which such City shall be embraced: and the Jury Lists for such Superior Courts for such County or Union of Counties, and for such City respectively, shall be ballotted without any regard being had to any such service, but the inhabitants of every such City, and of the liberties thereof, shall be exempt from serving on Juries at any other than the City Courts, or on trials at the bar, of either of Her Majesty's Superior Courts of Common Law at Toronto, or at the Courts of Assize and *Nisi Prius*, *Oyer* and *Terminer*, and General Gaol Delivery for the County or Union of Counties within the limits or on the borders of which such City shall be situate.

Citizens exempted from serving, except at certain courts.

IX. And be it enacted, That no man not being a natural born or naturalized subject of Her Majesty, is or shall be qualified to serve as a Grand or Petit Juror in any of the Courts aforesaid, on any occasion whatsoever, except only in the cases hereinafter expressly provided for.

Aliens disqualified.

Exception.

X. And be it enacted, That no man who hath been or shall be attainted of any Treason or Felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry is or shall be qualified to serve as a Grand or Petit Juror in any of the said Courts on any occasion whatsoever.

Attained persons disqualified.

XI. And be it enacted, That the Mayor or Townreeve, the City, Town, Village or Township Clerk, and the Assessors or Assessor, if there be only one, of the respective Cities, Towns, Villages and Townships in Upper Canada, shall be *ex officio* Selectors of Jurors for every such Township and Village, and for each of the Wards of every such City or Town, and in the discharge of their duty as such Selectors shall assemble annually on the first day of September in each year, at the place where the Meetings of the Municipal Corporation of such City, Town, Village or Township shall be usually held, or at such other place within the jurisdiction of such Municipal Corporation as may for that purpose be appointed by the head of such Municipal Corporation, or in his absence, or the vacancy of the Office, by the Clerk of such Municipal Corporation for the purpose of selecting from the Assessment Rolls or Assessment Roll of such City, Town, Village or Township, the names of such persons as being qualified and liable to serve as Jurors under this Act, shall from the integrity of their characters, the soundness of their judgments, and the extent of their information, be in the opinion of such Selectors of Jurors, or of a majority of them, most discreet and competent for the performance of the duties of a Juror; and it shall be the duty of such City, Town, Village or Township Clerk, or such Assessor or Assessors, or such other officer or person as shall at the

Certain municipal functionaries to be selected of jurors.

What persons shall be selected.

Selectors to have the use of assessment rolls.

time have the actual charge or custody of the Assessment Roll or Assessment Rolls for every such City, Town, Village or Township for such year, to bring such Assessment Roll or Assessment Rolls to every such annual meeting of the Selectors of Jurors for such City, Town, Village or Township, and to permit the use of the same for the purposes aforesaid: Provided always, nevertheless, that the word Township as above used, and wherever else it occurs in this Act shall in all cases apply to Unions of Townships, all proceedings with respect to which under the same shall be such as if the Townships forming such Union were but one Township.

16 Vic. cap. 120, sec. 3. Clause substituted for repealed section 12 of the said Act. Meeting of Selectors.

[III. And be it enacted, That the following clause shall be substituted for the repealed twelfth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Selectors of Jurors for each City, Town, Village and Township in Upper Canada, shall annually, on the day mentioned in the next preceding section of this Act, or on the first day thereafter, not being a Sunday or other Statutory Holiday, if such first mentioned day be a Sunday or other Statutory Holiday, or if they shall have been unable to complete the duty hereby imposed upon them on such first day, proceed to select such names from such Rolls accordingly: Provided always, nevertheless, firstly, that after striking from the said Roll the names of all persons exempt from serving as Jurors on all of the divisions of Jurors mentioned in the thirteenth section of this Act, and also the names of those who, from not possessing a sufficient amount of property, or from other causes, are disqualified from serving as Jurors, according to this Act, the Selectors shall select, as qualified to serve on Juries, at least two thirds of the persons whose names may then remain on the said Roll: And provided also, secondly, that in case of an equality of votes amongst such Selectors of Jurors as to any one or more of the names to be so selected, or as to the Division of the Report of such Selectors in which any such name should be inserted in the distribution of such names as hereinbefore provided, or as to any other incidental question which may arise in the performance of the duty hereby imposed upon such Selectors, the Mayor or Townreeve, or in case of his absence or the vacancy of the office, the City, Town, Village or Township Clerk, or in the absence or vacancy of the offices of both, then the Assessor whose Roll for the year shall have contained the greatest number of assessed names, and in the case of joint Assessors the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the same."]

Proviso.

Proviso.

Names of jurors to be distributed into four divisions, and how.

XIII. And be it enacted, That the said Selectors of Jurors having made such selection as hereinbefore provided, shall, for the purpose of the Report thereof to be by them made as hereinafter provided, distribute the names of the persons so selected from each Roll into four divisions; the first, to consist of persons to serve as Grand Jurors in the Superior Courts; the second, of persons to serve as Grand Jurors in the Inferior Courts; the third, of persons to serve as Petit Jurors in the

Superior Courts; and the fourth, of persons to serve as Petit Jurors in the Inferior Courts, and shall make such distribution according to the best of their judgment, as to the relative competency of the parties with reference to the duties to be required of them respectively.

Proportionate number in each division.

XIV. And be it enacted, That the said Selectors of Jurors shall make such distribution amongst the said four divisions as nearly as may be in the following proportions, relatively to the whole number of persons so selected by them from each of such Rolls for that purpose as aforesaid, that is to say: *one fifteenth*, as nearly as may be, under the first of such Divisions; *two fifteenths*, as nearly as may be, under the second of such Divisions; *four fifteenths*, as nearly as may be, under the third of such Divisions; and *eight fifteenths*, as nearly as may be, under the fourth of such Divisions.

Selectors to make duplicate reports in form of Schedule A.

Declaration to be annexed.

Where the said reports shall be deposited.

Renewal if destroyed.

XV. And be it enacted, That the said Selectors of Jurors shall thereupon make out in duplicate, under their hands and seals, or under the hands and seals of such of them as shall have performed such duty, a Report of such Selection and Distribution for every such Township, Village, or Urban Ward, which Report shall be, as nearly as may be, in the form set forth in the Schedule to this Act annexed, marked A, and be filled up agreeably to the directions contained in the notes to such Schedule, to which said Report shall be subjoined a written declaration subscribed by such Selectors of Jurors, stating, each for himself, that they had made such Selection and Distribution to the best of their judgment and information pursuant to this Act, and without fear, favour, or affection, of, to, or for any person or persons whomsoever, gain, reward, or hope thereof, other than such fees as they may be lawfully entitled to receive for the same under the authority of this Act; and one of such Duplicate Report shall, on or before the fifteenth day of the same month of September, be deposited by such Selectors of Jurors, with the Clerk of the Peace for the County in which such Town, Village, or Township shall lie, or within the limits of which such City shall be embraced; and the other, with the City, Town, Village, or Township Clerk of such City, Town, Village, or Township respectively, which Clerks respectively shall keep the same on file in their respective offices, for the use and information of all who may have lawful occasion to examine or make use of the same; and in the event of the loss or destruction of any such Duplicate Report, by fire or other accident, a copy thereof, made from the other of such Duplicates, and certified to be a true copy of such last mentioned Duplicate, by the Officer to whom the legal custody of such last mentioned Duplicate shall belong, shall and may be filed in the office in or out of which such first mentioned Duplicate Original was so lost or destroyed as aforesaid, and shall and may be thenceforth taken, received, and acted upon in all respects as if it were the said Duplicate Original Report so lost or destroyed as aforesaid: Provided always, nevertheless, that in every such case of the destruction of any original Selectors' Report, it shall be the duty of the officer in whose office the same shall have been so destroyed, to procure as soon as reasonably may be, such a certified copy of such Report from the other officer to whom the legal custody of the other Duplicate Original of such Report shall belong, and to file the same in his office accordingly.

On assessors not making and returning the assessment roll in proper time.

LXX. And be it enacted, That if any Assessor of any Township, Village, or Ward, in Upper Canada, shall neglect or omit to make out and complete his Assessment Roll for such Township, Village, or Ward, and to return the same to the office of the Clerk of such Township or Village, or of the City or Town in which such Ward shall be situated, or other office or place of deposit for such Roll, at least on or before the first day of September of the year for which he shall be such Assessor, every such Assessor so offending shall forfeit, for every such offence, the sum of Fifty Pounds, one moiety thereof to the use of Her Majesty, her heirs or successors, and the other moiety thereof, with full costs, to such person as shall sue for the same in any Court of competent jurisdiction, by action of debt, bill, plaint, or information: Provided always, that nothing herein contained shall be construed to relieve any such Assessor from the obligation of returning such Assessment Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly.

Proviso.

On Municipal officers not producing assessment roll as required.

LXXI. And be it enacted, That if any City, Town, Village or Township Clerk, or any Assessor or other officer or person who, at the time of the annual meeting of the Selectors of Jurors for any City, Town, Village or Township in Upper Canada, shall have the actual charge or custody of the Assessment Rolls or Assesment Roll of such City, Town, Village or Township, for such year, shall neglect or omit to perform the duties required of him by the eleventh section of this Act, as regards the productions of such Roll or Rolls at such annual meeting of such Selectors of Jurors, or permitting such Selectors the necessary access to the same for the purpose aforesaid, every such Clerk or other Officer or person so offending shall for every such offence forfeit the sum of Twenty-five pounds, one moiety thereof to the use of her Majesty, Her Heirs and Successors, and the other moiety thereof, with full costs, to such persons as shall sue for the same in any Court of competent jurisdiction, by action of debt, bill, plaint or information.

On selectors of jurors for wilful dereliction of duty.

LXXII. And be it enacted, That if any Selector of Jurors for any Township, Village or Ward in Upper Canada, shall wilfully select and report as qualified and liable to serve as a Grand or Petit Juror, any person who, according to the provisions of this Act, ought not to have been so selected or reported, or shall take any money or other reward for so selecting or reporting or omitting to select or report any person whomsoever, or shall wilfully insert in any such Report a wrong description of the name, place of abode, or addition of any one so selected and reported, or shall neglect or omit to complete his selection and Report, and to deposit the same in the proper office at least on or before the fifteenth day of September of the year for which he shall act as such Selector of Jurors, every such Selector of Jurors offending in any of the foregoing cases, shall, for every such offence, forfeit a sum not exceeding Twenty pounds, nor less than Five pounds, at the discretion of the Justice before whom he shall be convicted.

On clerks of the peace for wilful dereliction of duty.

LXXIII. And be it enacted, That if any Clerk of the Peace, or Clerk of any such Recorder's Court of any City as aforesaid, or his Deputy, shall, when acting in performance of the duties required of him by the eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third sections of this Act, neglect or omit to perform any duty required of him by those sections in the manner therein prescribed, or shall wilfully do any thing inconsistent with the provisions of the same, every such Clerk of the Peace, or other Clerk as aforesaid, or his Deputy, so offending, shall, for every such offence, forfeit the sum of Fifty pounds, one moiety thereof to the use of Her Majesty, Her Heirs or Successors, and the other moiety thereof, with full costs, to such person as shall sue for the same, in any Court of competent jurisdiction, by action of debt, bill, plaint or information.

How pecuniary penalties shall be levied and applied.

LXXIV. And be it enacted, That all fines to be imposed under this Act by either of Her Majesty's Superior Courts of Common Law at Toronto, or by any Court of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County Court, or Recorder's Court, shall be levied and applied in the same manner as any other fines imposed by the said Courts respectively, and that all other penalties hereby enacted (for which no other remedy is given) shall, on conviction of the offence, before any Justice of the Peace, within his jurisdiction, be levied, unless such penalty be forthwith paid, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice, who is hereby authorized to hear and examine witnesses on oath or affirmation on any complaint, and to determine the same, and to mitigate the penalty, if he shall see fit, to the extent of the moiety thereof. And all penalties, the application whereof is not herein particularly directed, shall be paid to the complainant; and for want of sufficient distress, the offender shall be committed by warrant,

Mitigation of penalty where no application is directed.

Committal for non-payment.

under the hand and seal of such Justice, to the Common Gaol or House of Correction, for such term not exceeding six calendar months, as such Justice shall think proper, unless such penalty is sooner paid.

16 Vic. cap. 120, sec. 9. Clauses substituted for repealed Sect. 81 of the said Act.

Allowance to Selectors, and how payable.

[IX. And be it enacted, That the following Clauses shall be substituted for the repealed eighty first Section of the Act first above cited as amended, and shall be read as part of the said Act: 1. "And be it enacted, That the Selectors of Jurors, for every selection and distribution of Jurors, and the Report thereof made by them under this Act, shall be entitled to such sum of money as shall be authorized to be awarded them by the Municipality of which they shall respectively be Officers; and that such sums of money shall be paid to them respectively by the Treasurers (or Chamberlains, as the case may be,) of their respective Townships, Villages, Towns and Cities, in such manner as such Municipalities may severally direct, and which moneys shall be paid by such Treasurers (or Chamberlains) to every such Selector of Jurors upon receipt of a Certificate from the Clerk of the Peace for such County or Union of Counties, that such report had been duly made to him within the time for that purpose prescribed by this Act."

Fees to Clerks of the peace, and of recorder's courts.

2. "And be it enacted, That the Clerk of the Peace of every such County or Union of Counties, and the Clerk of the Recorder's Court of every City, in which a Recorder's Court shall have been established, shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say:

"For receiving and examining the Report of Selectors for each City, Town, Village and Township, causing any deficiency which may be found therein to be supplied, and filing the same in his Office, Two Shillings and Six Pence.

"For giving Certificate to Selectors of Jurors of report having been made, Two Shillings and Six Pence.

"For Blank Jurors' Book, the actual amount of the Stationers' charge.

"For arranging alphabetically and in order, the names contained in Selectors' Report, per one hundred names, Ten Shillings.

"For making up Jurors' Book, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, Five Shillings.

"For each copy of the Jurors' Book required by this Act, per one hundred names, Five Shillings.

"For preparing on cards the ballots for Jurors' to correspond with numbers in Jurors' Book, per one hundred names, Two Shillings and Six Pence.

"For each certificate required to be entered on Jurors' Book to verify the same, Five Shillings.

"For balloting and entering each Jury List, per one hundred names, Thirty Shillings.

"For Copy of Jury List required to be entered, per one hundred names, Ten Shillings.

"For each Panel of Jurors drafted from the Jury List, per one hundred names on such Jury List, Ten Shillings.

"For entering each Panel in the Jurors' Book, with the numbers corresponding to the Jury List, Ten Shillings.

"For making up aggregate Return in detail of Jurors, Twenty Shillings.

"For copy thereof and transmitting the same to Provincial Secretary, when required, and for Office Copy of the same, each, Ten Shillings.

Fees to Sheriffs, high bailiffs, &c.

"That the Sheriff, High Bailiff or other Officer of every such County, Union of Counties or City, shall, exclusive of such Fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by them under this Act, that is to say:

"For each Panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the return of Grand or Petit Jurors for any Sittings or Sessions of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County or Recorder's Court, respectively, under this Act, Twenty Shillings.

"For Copy of such Panel to be returned in the Office of the Clerk of the Crown and Pleas of the Court of Queen's Bench at Toronto, Five Shillings.

"For every Certificate given to any Juror, when required by such Juror, of his having served, to evidence his exemption from serving again until his time for doing so shall return in its course, the sum of One Shilling and Three Pence, to be paid by such Juror;

"The sum of Six Pence for every mile that the Sheriff or his Deputy or Bailiffs may necessarily and actually have had to travel from the County Town, for the purpose of serving Summonses on such Jurors.

Fees to Criers.

"And that the Crier of every such Court of Quarter Sessions, or Recorder's Court, shall, for making the Proclamations, calling the names of all those drawn in the course of balloting such Jury Lists, and performing all other duties required of him under the said Act, be entitled to the sum of Fifteen Shillings, for every one hundred names so drawn.

Treasurer or Chamberlain to pay the same, and on what authority.

"Which several sums shall be paid by the Treasurer of such County or Union of Counties, or by the Chamberlain of such City, as the case may be, to such Officers severally, out of any moneys in his hands belonging to such County, Union of Counties or City, respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioner for taking affidavits in some one of Her Majesty's Superior Courts of Common Law at Toronto, for such County, or Union of Counties, of such several services having been executed, and of such travel having been so necessarily performed in the service of such Summonses. For all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his accounts with such County, Union of Counties or City, as if the same had been paid under the special authority and direction of the Municipal Corporation of such County, Union of Counties or City, respectively: Provided always, nevertheless, That in all such cases when there shall be more than a hundred or an even number of hundreds of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred."]

SCHEDULE A.

REPORT OF THE SELECTION AND DISTRIBUTION OF JURORS.

For the Township of Albion (*or* for the ward of St. James, in the City of Toronto,) in the County of York, for the year 1851, made at the Town (*or* City) Hall of the said Township (*or* City,) by A. B., Townreeve (*or* Mayor,) C. D., Town (*or* City) Clerk, and E. F., G. H. and I J., Assessors of the said Township (*or* Ward,) on the day of in the year 1850, pursuant to the directions of the Act of Parliament of (1)

FIRST DIVISION
For the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

Names.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
John Anderson..	16	2	Esquire.
Peter Cameron..	4	6	Yeoman.
Wm. O'Leary...	—	Oatlands.	Gentleman.
Alfred Piper....	17	1	Esquire.
&c.			

SECOND DIVISION
For the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

Names.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
William Adams.	9	4	Gentleman
Richard House..	7	5	Yeoman.
Jacob Wyse...	2	1	Tailor.
Allan Thomas..	24	5	Esquire.
&c.			

THIRD DIVISION
For the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

Names.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
David Boothe...	11	7	Merchant.
George Sullivan.	3	4	Esquire.
Nathan Lowe...	6	1	Shoemaker
Henry Grace....	24	7	Yeoman.
&c.			

FOURTH DIVISION
For the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

Names.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
George Gule...	7	8	Tailor.
Samuel Jones...	15	3	Yeoman.
Wm. Carpenter.	7	2	Esquire.
Thos H. Rogers.	11	1	Gentleman
&c.			

We, the above-named Selectors of Jurors for the Township of Albion (2) do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of the Act of Parliament of (1) and that we have so made the same without fear, favor or affection of, to or for any person or persons whomsoever, gain, reward or hope thereof, other than the fees to which we are entitled under the provisions of the said Act of Parliament.

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(1) Here insert the year and chapter.

(2) Or as the case may be.

Witness our Hands and Seals, the day and year last above written.

A. B. [L. S.] *Townreeve.*
C. D. [L. S.] *Town Clerk.*
E. F. [L. S.] *Assessor.*
G. H. [L. S.] *Assessor.*
I. J. [L. S.] *Assessor.*

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(1) Here insert the year and chapter.

JURORS' PAYMENT.

ACT 14 & 15 *VIC., CAP.* 14.

An Act to provide for the payment of Petit Jurors in Upper Canada.

Allowance to Petit Jurors attending certain Courts.

Be it enacted by the Queen's Most Excellent Majesty, &c., That every Petit Juryman actually attending any of the Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace, or County Courts in Upper Canada, shall be entitled to receive and be paid, in the manner hereinafter provided, the sum of Five Shillings per day, for every day he shall attend such Court, and the sum of Six Pence per mile for every mile he shall necessarily travel from his place of residence to the said Court, or such other sums as any County Council shall by By-law from time to time fix and determine, and that the distance shall be ascertained by the declaration of the Sheriff's Bailiff summoning such Juror, or by the declaration of the Juror himself: Provided always, that any false declaration respecting the distance of such party's residence, shall forfeit the right of every Juror making such false declaration to receive any payment for travelling or attending such Court as Juror; and provided also, that no Petty Juror shall be entitled to any fee or allowance other than is provided by this Act.

Proviso: false declaration to forfeit allowance.

Proviso.

Sheriff to make a Pay List for Petit Jurors.

II. And be it enacted, That it shall be the duty of every Sheriff to make a pay list for the Petit Jurors summoned to attend the said Courts, in the form set forth in the Schedule to this Act, and to attend or cause some Officer to attend at the opening of the said Courts, on the morning of every day such Court shall sit for the trial of causes by Jury, and upon the Jurors being called over, shall check and mark the word

And to transmit it to Treasurer.

"present," or "absent," as the case may be, in the proper column of such list opposite the name of every Juror, and on the last day of the sitting of such Court shall certify and return to the Treasurer of the County the said pay list.

Treasurer to pay the Jurors.

III. And be it enacted, That the said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Juror the sum to which he shall appear entitled, as certified by such list, and it shall be the duty of the Treasurer forthwith to pay every Juror the sum so appearing due to him on such list.

Allowances to Sheriffs.

IV. And be it enacted, That every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer as the County Council by By-law shall determine; Provided always, that the County Court and General Quarter Sessions shall be one Court for the purposes of this Act, and the duty of calling over Jurors at the opening of the Court daily shall be performed by the Clerk of that Court, whether County Court or Quarter Sessions which shall first be opened.

Proviso.

List of Jurors to be called over daily, when Court opens.

V. And be it enacted, That it shall be the duty of the Marshal or Clerk of Assize, the Clerk of the County Court or Clerk of the Peace, as the case may be, at the opening of the Court, and before any other business is proceeded with, to call over the names of the Petty Jurors, that the Sheriff or his Officer may check who are present or absent.

Jurors not attending to be fined.

VI. And be it enacted, That every Juror not appearing when so called shall not be entitled to any pay for the day on which he makes default in appearing at the opening of the Court, and shall, for every default he shall make during the day, be liable to such a fine as to the Court shall seem meet.

Sums to be paid with record when entered for trial.

VII. And be it enacted, That to the Clerk of Assize for every County there shall be paid, with every record entered for trial or assessment, the sum of Fifteen Shillings, and to the Clerks of the several County Courts the sum of Seven Shillings and Six Pence, which sums shall forthwith be paid over to the Treasurer, and shall form part of the fund from which Jurors shall be paid as hereinbefore provided: Provided always, that no Record shall be entered for trial or assessment unless the sums before mentioned are paid.

Proviso.

The like in criminal cases, where either party is liable to pay costs.

VIII. And be it enacted, That in all criminal cases in which by law the party prosecuting or the party prosecuted shall be liable to pay the costs of the prosecution, it shall be the duty of the Officer of the Court, to charge against and receive from the party so liable the sum of Fifteen Shillings, over and above that to which by law he was heretofore liable, which sum shall form part of the fund for the payment of Jurors, and shall forthwith be paid over by the Officer receiving it to the Treasurer of the County in which the prosecution is carried on.

IX. And be it enacted, That all fines and penalties imposed upon and levied in the several Counties in Upper Canada, not payable to the Receiver General, and all fines upon Jurors for non-attendance levied in such County, shall henceforth be paid to the Treasurers of each of the said Counties respectively, and shall form part of the fund for the payment of Jurors under this Act.

Certain fines to go towards payment of Jurors

X. And be it enacted, That the several County Councils in Upper Canada are hereby authorized to raise and appropriate such sum or sums of money as in their judgment shall be sufficient to pay the Jurors according to the terms of this Act, in case the sums appropriated by this Act shall not be sufficient to pay the said Jurors.

County Councils to provide funds for paying Jurors.

XI. And be it enacted, That the several County Councils are hereby authorized by By-law, in their discretion, to provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery, or at the General Quarter Sessions, out of the County funds, such sum per diem as they shall deem reasonable.

County Councils may provide for payment of Grand Jurors.

XII. And be it enacted, That the foregoing clauses of this Act shall not be in force in or apply to any County in Upper Canada until the County Council of such County, desirous of availing themselves of the provisions of this Act, shall appropriate such a sum of money as will in their judgment, with the moneys applicable under this Act, form a fund sufficient to pay Jurors under the provisions hereinbefore contained, or in which the County Council shall not appropriate a sum of money for payment of any deficiency that may occur in the Jury fund of such County.

Act not to apply to Counties not providing such fund.

XIII. And be it enacted, That in every County or Union of Counties in which a Jury fund shall be provided, the Treasurer of such County or Union of Counties shall give notice to the Sheriff of such County, who shall thereupon perform the duties imposed upon him under this Act.

County Treasurer to notify Sheriff, when funds are provided, &c.

XIV. And to prevent unnecessary delay and expense, Be it enacted, That every Court or Judge sitting for the trial of causes by Jury, may, in the discretion of such Court or Judge, peremptorily order the records to be entered, and the business of the Court to be proceeded with, on the first day of the sitting of the Court; any usage to the contrary notwithstanding.

Court may order records to be entered, &c., on the first day of sitting.

SCHEDULE TO THIS ACT.

PAY LIST for Petit Jurors who have attended "the Assize" or "County Court and Quarter Sessions" (as the case may be,) held for the County of begun on the day of , and ended on the day of 185 .

Names of Jurors.	No. of miles travelled in coming to Court.	Check of Attendance.								Amount to be paid to Jurors.			Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.	D.	
John Just........ Charles Careless..	21	present.	present.	present.	present.	absent.	present.	present.	present.				

I, , Sheriff of the County of do hereby certify to the Treasurer of the said County, that the above is to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

FIREMEN'S EXEMPTION.

12 *VIC.*, *CAP.* 36.

An Act to exempt Firemen, after a certain number of years' service as such, from Militia and other duties.

Preamble.

Firemen having served seven years exempted from serving in certain offices.

Whereas it is expedient to encourage the formation of efficient Companies of Firemen, by rewarding those members who have served regularly for several years: Be it therefore enacted by the Queen's most excellent Majesty, &c., That when any member of any Company of Firemen, which is or may be regularly enrolled in any City, Town, or place in which the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven consecutive years in the same, the said member shall be entitled to receive, upon producing due proof of his having served seven consecutive years as aforesaid, a certificate from the Clerk of the Peace of the District in which he resides, or the Clerk of the Corporate Body or Board of Police under whose authority the said Company shall have been established, that he has been regularly enrolled and served as a member of the said Fire Company for the space of seven years; which certificate shall exempt the individual named therein from Militia duty in time of peace, from serving as a Constable, and from all Parish and Town offices; any law, custom, or usage, to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to exempt any such Fireman from serving as a Juryman.

Proviso.

ACT 14 & 15 VIC., CAP. 85.

An Act to exempt Firemen in Cities from the payment of Statute Labour Tax, &c.

Firemen having served a certain time exempt from serving as Jurors.

Be it enacted, by the Queen's Most Excellent Majesty, &c., That from and after the passing of this Act, it shall and may be lawful for the Municipal Corporation of any City within this Province, by any by-law, to enact and provide, that when any member of any company of Firemen which is or may be regularly enrolled in such city wherein the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven years consecutively in the same, the said member shall be entitled to receive, upon producing due proof of his having served seven years consecutively as aforesaid, a certificate from the Clerk of the Common Council of the city in which he resides, or the Clerk of the Corporate Body under whose authority the said Company shall have been established, that he has been regularly enrolled and served as a member of the said Fire Company for the space of seven years, which certificate shall exempt the individual named therein from the payment of any personal Statute Labour Tax thereafter, and from serving as a Juror on the trial of any cause in any Court of Law within this Province; any law, custom or usage to the contrary notwithstanding.

MUNICIPAL ACTS, &C., REPEALED.

12 VIC., CAP. 80.

An Act to repeal the Acts in force in Upper Canada, relative to the Establishment of Local and Municipal Authorities, and other matters of a like nature.

Preamble.

Whereas it is expedient to repeal the several Acts in force in Upper Canada, relating to the incorporation of the inhabitants of the several Districts of that part of this Province, and of certain other localities

The Acts and parts of Acts mentioned in the Schedule repealed with Acts continuing them or continued by them.

Proviso: Acts not to be revived or repealed, &c., by the passing of this Act, by implication.

Proviso as to proceedings relative to offences and othe matters occurring before this Act shall be in force, under the Acts repealed.

Exception.

therein, the election and duties of Township Officers, and other matters of a like nature, to the end that better provision may be made for such purposes: Be it therefore enacted, &c., That the several Acts of the Parliament of the late Province of Upper Canada, and those of the Parliament of this Province set forth in the Schedule to this Act annexed marked A, and containing a description of the Acts and parts of Acts repealed by this Act, so far as the same shall be in force at the commencement of this Act, and all Acts continuing or making permanent any of the said Acts, or continued or made permanent by any of them, shall be, and the same are hereby repealed: Provided always, nevertheless, Firstly: That no Act or part of an Act repealed by any of the Acts hereby repealed, shall be revived by the passing of this Act, and no Act, or part of an Act, perpetuated or continued by any of the Acts hereby repealed, (except such as are herein expressly repealed), shall be repealed by the passing of this Act; And provided always, Secondly: That notwithstanding the repeal of the Acts and parts of Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the Acts, and parts of Acts, hereby repealed, continued in force, except only so far as the new Municipal Corporations to be created by and under the provisions of the Act of the present Session of Parliament to provide for the Incorporation of Townships, Counties, Villages, Towns and Cities in Upper Canada, shall or may be substituted for the old ones.

Recital.

All Acts and parts of Acts relating to certain subjects—except those saved in Schedule B—repealed.

II. And in order that no doubt shall remain whether any or what part of any former Acts relating to the Incorporation of the Inhabitants of the several Districts of that part of this Province, and of the other localities therein, or the Election and duties of Township Officers, continue in force: Be it enacted, That all Acts and parts of Acts relating to the same, shall be, and the same are hereby repealed, so far as such Acts or parts of Acts shall be in force at the commencement of this Act, save and except such Acts or parts of Acts as are mentioned in the Schedule to this Act annexed, marked B, and save and except all other Acts made expressly for other purposes, although they incidentally touch on matters relating to such subjects, or although the provisions thereof are to be carried into effect by Officers elected or appointed under such Acts or parts of Acts, nevertheless, such matters and provisions last mentioned, so far as they are repugnant to, or inconsistent with the Act or Acts relating to such matters in force at the time, shall be, in all respects, controlled by such last mentioned Act or Acts, unless the contrary shall have been expressed in such last mentioned Act or Acts. Further exception.

III. And whereas certain Acts mentioned and set forth in the Schedules hereto annexed, to be hereby repealed either in the whole or in part, contain certain special provisions respecting assessments upon property in the Cities, Towns and Villages to which they respectively refer; and whereas such Acts or parts of Acts are not in the said Schedules excepted out of the repeal hereby intended upon the expectation that a general Act will be passed during the present Session of Parliament for establishing a more just general system of assessment in Upper Canada than that now in force therein, and it is therefore expedient to provide that in case such Act shall be so passed, the said provisions shall remain in force: Be it therefore enacted, That until such Act for a more just general system of assessment in Upper Canada shall be passed, or other Legislative provision be made in that behalf, so much of the several Acts mentioned in the Schedule to this Act annexed as established provide for, or regulate the assessment or mode of assessment, or the property to be assessed in any of such Cities or the liberties thereof, or in any of such Towns or Villages, or any matter relating to the same, shall continue in force as if such Acts or parts of Acts had in the said Schedules been specially excepted from repeal; and all such Acts and parts of Acts shall extend and apply to every such City and the liberties thereof, and to every such Town and Village respectively, according to the extended or altered limits thereof as established by an Act of the present Session of Parliament, intituled, *An Act to provide by one general Law for the erection of Municipal Corporations, and the establishment of regulations of Police in and for the several Counties, Cities, Towns, Townshipsand Villages in Upper Canada.* Recital. Provisions relative to assessments saved.

VI. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before. Commencement of this Act.

V. And be in enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c., this Session.

SCHEDULE A,

Containing a description of the Acts and parts of Acts Repealed by this Act.

FIRST DIVISION.

Acts of the Parliament of the late Province of Upper Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
1	37 Geo. 3, Cap. 10, Ferries.	An Act for the regulation of Ferries.	So much as vests any powers in the Magistrates in Quarter Sessions.
2	43 Geo. 3, Cap. 10, Cattle running at large.	An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large.	The whole.
3	43 Geo. 3, Cap. 11, Assessment for Members Indemnity.	An Act the more conveniently to collect the compensation to the Members of the House of Assembly for their attendance in their duty in Parliament and to repeal part of an Act passed in the Parliament of this Province, in the thirty-third year of His Majesty's Reign, intituled, An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of wages to the House of Assembly."	The whole.
4	50 Geo 3, Cap. 1, Highways.	An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.	Sections one to eleven, inclusive, and Sections thirteen to thirty-four, inclusive.
5	50 Geo. 3, Cap. 12, Haldimand Town Meetings.	An Act to authorize the Inhabitants of the County of Haldimand, to hold annual meetings for the purpose of electing Town and Parish Officers.	The whole.
6	52 Geo. 3, Cap 10, Highways.	An Act to amend an Act passed in the fiftieth year of His Majesty's Reign, intituled, "An Act to provide for laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose."	The whole.
7	54 Geo. 3, Cap. 15, York Market.	An Act to empower the Commissioners of the Peace for the Home District, in their Court of General Quarter Sessions, assembled, to establish and regulate a Market in and for the Town of York, in the said District.	The whole.
8	57 Geo. 3, Cap. 2, York, Amherstburgh and Sandwich.	An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh.	The whole.
9	57 Geo. 3, Cap. 4, Niagara Market.	An Act to establish a Market in the Town of Niagara, in the Niagara District.	The whole.
10	59 G. 3, Ses 2, Cap. 5, Niagara.	An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned.	The whole.
11	59 G. 3, Ses. 2, Cap. 11, Niagara Market.	An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, intituled "An Act to establish a Market in the Town of Niagara, in the Niagara District.	The whole.
12	2 G. 4, Ses. 2, Cap. 11, Cattle running at large.	An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled, "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine, to run at large,'" and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain Swine, running at large in the respective Towns in this Province, where a Police is or may hereafter be established by Law.	The whole.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
13	2 G. 4, Ses. 2, Cap. 13, Police Moneys.	An Act requiring the publication of the expenditure of moneys raised under any law, establishing a Police in any Town or Towns in this Province.	The whole.
14	2 G. 4, Ses. 2, Cap. 15, Perth Market.	An Act to establish a Market in the Town of Perth, in the County of Carleton.	The whole.
15	4 G. 4, Ses. 1, Cap. 34, Niagara Police, &c.	An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."	The whole.
16	8 Geo. 4, Cap 14, Street Surveyors.	An Act to amend the Laws now in force for the appointment of Street Surveyors, so far as relates to the several Towns in this Province, other than those in which the General Quarter Sessions of the Peace are by law holden.	The whole.
17	1 William 4, Cap. 3, Amherstburgh Wharfage Fees.	An Act to establish a Market and to establish Wharfage Fees in the Town of Amherstburgh, in the Western District.	The whole.
18	2 William 4, Cap. 17, Brockville.	An Act to establish a Police in the Town of Brockville, in the District of Johnstown.	The whole.
19	3 William 4, Cap. 16, Hamilton.	An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein.	The whole.
20	3 William 4, Cap. 40, Brockville Market.	An Act to establish a Market in the Town of Brockville.	The whole.
21	4 William 4, Cap. 12, Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty, King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the Office of Fence Viewers, being discharged by Overseers of Highways and Roads	The First Section.*
22	4 William 4, Cap. 23. Toronto.	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto.	Sections one to ninety-five, inclusive, and also the whole of Section ninety-six, except the proviso.
23	4 William 4, Cap. 24, Belleville.	An Act to establish a Board of Police in the Town of Belleville.	The whole.
24	4 William 4, Cap. 25, Cornwall.	An Act to establish a Police in the Town of Cornwall, in the Eastern District.	The whole.
25	4 William 4, Cap. 26, Port Hope.	An Act to define the limits of the Town of Port Hope, and to establish a Police therein.	The whole.
26	4 William 4, Cap. 27, Prescott.	An Act to incorporate the Village of Prescott, and to establish an Elective Police therein.	The whole.
27	5 William 4, Cap. 6, Assessment for Members' Indemnity.	An Act to provide for the payment of wages to the Members of the House of Assembly who represent the different Towns in this Province.	The whole.
28	6 William 4, Cap. 1, Assessment Members' Indemnity.	An Act to provide for the payment of wages to Members representing Cities and Incorporated Towns within the Province.	The whole.
29	6 William 4, Cap. 13, Brockville Market.	An Act to establish a Market in the West Ward of the Town of Brockville.	The whole.
30	6 William 4, Cap. 14, Belleville.	An Act to repeal an Act passed in the fourth year of His present Majesty's Reign, intituled, "An Act to establish a Board of Police in the Town of Belleville," and to make further provisions for the establishment of a Police in said Town.	The whole.

**Error.*—The Act 4, Wm. 4, Cap. 12, Repealed by 8 Vic. Cap. 20, Sec. 19.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
31	7 William 4, Cap. 24. House of Industry.	An Act to authorize the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.	So much of the first Section as vests any powers granted thereby in the Grand Juries or the Magistrates in Quarter Sessions, or limits the expenditure, and the whole of the second Section.
32	7 William 4, Cap. 39, Toronto.	An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto."	The whole.
33	7 William 4, Cap. 41, Toronto Markets.	An Act to establish two additional Markets in the City of Toronto."	The whole.
34	7 William 4, Cap. 42, Cobourg.	An Act to establish a Police in the Town of Cobourg, and to define the limits of the said Town.	The whole.
35	7 William 4, Cap. 44. Picton.	An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.	The whole.
36	1 Vict. Cap. 17, Assessment Members' Indemnity.	An Act to alter the mode of payment of wages to Members of the House of Assembly.	The whole.
37	1 Vict. Cap. 21, Township Officers.	An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers.	Sections one to thirty-one, inclusive, and thirty-six to fifty-one, inclusive.
38	1 Vict. Cap. 27, Kingston.	An Act to incorporate the Town of Kingston, under the name of the "The Mayor and Common Council of the Town of Kingston."	The whole.
39	2 Vict. Cap. 36, Kingston.	An Act to render valid the late Elections for Aldermen and Councilmen for the Town of Kingston.	Sections two, three and four.
40	2 Vict. Cap. 37, Kingston.	An Act to amend an Act passed in the first year of Her Majesty's Reign, intituled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."	The whole.
41	2 Vict. Cap. 45, Hamilton Market.	An Act to establish a Second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein mentioned.	The whole.
42	2 Vict. Cap. 46, Niagara Market.	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.	The whole, except so much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants or their Assigns.
43	3 Vict. Cap. 31, London.	An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein.	The whole.
44	3 Vict. Cap. 47, Toronto.	An Act to continue an Act passed in the seventh year of the Reign of His late Majesty, King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the *City of Toronto*.'"	The first Section.

SECOND DIVISION.

Acts of the Parliament of the Province of Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
45	4 & 5 Vict. Cap. 10, Municipalities.	An Act to provide for the better Internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal Authorities therein.	The whole.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
46	8 Vict. Cap. 7, County and Township Divisions.	An Act for better defining the limits of the Counties and Districts in Upper Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others. and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts.	The whole. except Sections one two, five, seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A. and B.
47	8 Vict. Cap. 20, Fences and Water Courses.	An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada.	So much of the first Section as vests the appointment of Fence-Viewers in the Inhabitant Freeholders and Householders at their annual meetings.
48	8 Vict. Cap. 61, Kingston.	An Act to repeal a certain provision of the Act incorporating the Town of Kingston, and to provide for the Assessment and collection of the District Taxes in the said Town, by an Assessor and Collector to be appointed by the District Council.	The whole.
49	8 Vict. Cap. 62, Niagara.	An Act to incorporate the Town of Niagara, and to establish a Police therein.	The whole.
50	8 Vict. Cap. 63, St. Catherines.	An Act to incorporate the Town of Saint Catherines.	The whole.
51	9 Vict. Cap. 40, Municipal Councils.	An Act to amend the Laws relative to District Councils in Upper Canada.	The whole.
52	9 Vict. Cap. 46, County and District Divisions.	An Act to amend the Act for defining the limits of Counties and Districts in Upper Canada.	The whole.
53	9 Vict. Cap. 51, Niagara and Queenston.	An Act to alter the mode of Assessment in the Towns of Niagara and Queenston.	The whole.
54	9 Vict. Cap. 70, Toronto.	An Act to amend the Act of Incorporation of the City of Toronto.	The whole.
55	9 Vict. Cap. 71, Cobourg.	An Act to alter and amend the Act of Incorporation of the Town of Cobourg.	The whole.
56	9 Vict. Cap. 72, Cornwall.	An Act to amend the Act of Incorporation of the Town of Cornwall, and to establish a Town Council therein, in lieu of a Board of Police.	The whole.
57	9 Vict. Cap. 73, Hamilton.	An Act to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City.	The whole.
58	9 Vict. Cap. 75, Kingston.	An Act to incorporate the Town of Kingston as a City.	The whole.
59	10 & 11 Vict. Cap. 39, Western District Division.	An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.	Sections one and two. Sections five to nine, inclusive, and Sections thirteen to twenty-one, inclusive.
60	10 & 11 Vict. Cap. 41, Lock-up-Houses.	An Act to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West.	Sections one, two and four.*
61	10 & 11 Vict. Cap. 42, Towns and Villages.	An Act to confer limited Corporate Powers on the Towns and Villages of Canada West, not specially incorporated.	The whole.
62	10 & 11 Vict. Cap. 43, Bytown.	An Act to define the limits of the Town of Bytown to establish a Town Council therein, and for other purposes.	The whole.
63	10 & 11 Vict. Cap. 45, Dundas.	An Act to incorporate the Town of Dundas.	The whole.
64	10 & 11 Vict. Cap. 46, Kingston.	An Act to amend the tenth Section of the Act to incorporate the Town of Kingston as a City.	The whole.
65	10 & 11 Vict. Cap. 47, Prescott.	An Act to provide for an Assessment of real and personal property in the Town of Prescott, according to the annual value on rental thereof, and for other purposes.	The whole.

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*No mention of Sec. 3 here, nor in the Saving Schedule, *vide* page 113. Sec. 3 is therefore in force.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
66	10 & 11 Vict. Cap. 48, London.	An Act to repeal the Act of Incorporation of the Town of London, and to establish a Town Council therein, in lieu of a Board of Police, and for other purposes therein mentioned.	The whole.
67	10 & 11 Vict. Cap. 49, Brantford.	An Act to incorporate the Town of Brantford.	The whole.
68	11 Vict. Cap. 12, Dundas.	An Act to amend the Act to incorporate the Town of Dundas.	The whole.

SCHEDULE B,

Containing a description of the Acts and parts of Acts saved from the operation of this Act.

FIRST DIVISION.

Acts of the Parliament of the late Province of Upper Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF SAVING.
1	37 Geo. 3, Cap. 10, Ferries.	An Act for the regulation of Ferries.	So much as relates to the duties of persons attending or having charge of Ferries, the penalties to be incurred by them, and the infliction and recovery thereof.
2	50 Geo. 3, Cap. 1, Highways.	An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.	Sections twelve and thirty-five.
3	4 William 4, Cap. 12, Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the the thirty-third year of the reign of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence-Viewers being discharged by Overseers of Highways and Roads.	The second and all the subsequent Sections of the Act.*
4	4 William 4, Cap. 23, Toronto.	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the *City of Toronto*.	The proviso to the ninety-sixth section, and the whole of the ninety-seventh section.
5	7 William 4, Cap. 24, Houses of Industry.	An Act to authorize the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.	So much of the first Section as relates to the powers and duties of Inspectors, and also Sections three, four, five, and six.
6	1 Vict. Cap 21, Township Officers.	An Act to alter and amend Sundry Acts regulating the appointment and duties of Township Officers.	Sections thirty-two, thirty-three, thirty-four and thirty-five.
7	2 Vict. Cap. 26, Kingston.	An Act to render valid the late elections for Aldermen and Councilmen for the Town of Kingston.	Section one.
8	2 Vict. Cap. 46, Niagara Market.	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.	So much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants, or their assigns.
9	3 Vict. Cap. 47, Toronto.	An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the *City of Toronto*.'"	Section second.

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*Error.—The Act 4, Wm. 4, Cap. 12, repealed by 8 Vic., Cap. 20, Sec. 19.

SECOND DIVISION.

Acts of the Parliament of the Province of Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF SAVING.
10	8 Vict. Cap. 7, Division of Counties, &c.	An Act for better defining the limits of the Counties and Districts in Upper-Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts.	Sections one, two, five, seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A. B.
11	8 Vict. Cap. 20, Line Fences.	An Act to repeal an Act therein mentioned and to provide for the regulation of Line Fences and Water Courses in Upper-Canada.	The whole, except so much of the first Section as vests the appointment of Fence Viewers in the Inhabitant Freeholders and Householders, at their annual meetings.
12	10 & 11 Vict. Cap. 39, Western District.	An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.	Sections three, four, ten, eleven and twelve.
13	10 & 11 Vict Cap 41, Lock-up-Houses.	An Act to establish Lock-up-Houses in the unincorporated Towns and Villages in Canada West.	Sections five and six.

Acts and parts of Acts, as in Schedule B, 12 *Vic.*, *Cap.* 80, *given in full.*

FERRIES.

UPPER CANADA ACT, 37 *GEO. III*, *CAP.* 10.

An Act for the regulation of Ferries.

[By the Municipal Corporations' Repeal Act, 12 Vict. Cap 80, so much of this Act as vests any powers in the Magistrates in Quarter Sessions *is repealed;* and so much of it is *continued in force* as relates to the duties of persons attending or having charge of Ferries, the penalties to be incurred by them, and the infliction and recovery thereof.]

Vide as to Ferries, Municipal Corporations' Act, 12 Vic., Cap. 81, Secs. 41, 116 and 145.

Preamble.

Whereas it is necessary for the convenience of His Majesty's Subjects, that Ferries should be put under proper regulations within this Province: Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province,*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace, in and for the

Quarter Sessions to ordain rules and regulations;

several Districts of this Province, in their General Quarter Sessions assembled, and they are hereby authorized and empowered, from time to time, to make and ordain such rules and regulations as to them, or to the greater part of them, may appear necessary and proper to be observed and followed at such Ferry or Ferries, by the person or persons attending the same, or having the charge thereof; and also to establish and assess such rates and fees as the person or persons attending such Ferry or Ferries shall and may demand and receive for the passage of persons, cattle, carriages or wares thereat; a list or table of which rules and regulations, rates and fees, shall be set up in some conspicuous place at every such Ferry or Ferries, for public inspection; and any person attending, or having charge of a Ferry, who shall be convicted before any one Justice of the Peace, of demanding or receiving any higher or greater rate or fee than such as shall be so established, assessed and allowed, or of any breach of any such rules and regulations so made and ordained, as aforesaid, shall for every such offence forfeit and pay the sum of twenty shillings, to be recovered before any one Justice of the Peace, and levied by distress and sale of the offender's goods and chattels; one half of which penalty shall be paid to the informer or informers, and the other half to the Treasurer of the District wherein the same may arise, to be applied to the public use of the District.

And to assess the rates;

Table of regulations and fees to be posted up at the ferry;

Penalty for a Ferry-man convicted of a breach;

Penalty how to be recovered and disposed of.

HIGHWAYS.

UPPER CANADA ACT, 50 *GEO. III.*, *CAP.* 1.

An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.

(Repealed, excepting the two following Sections.)

What shall be deemed a common and public highway.

XII. And be it further enacted by the authority aforesaid, That all allowances for roads made by the King's Surveyors in any Town, Township or place already laid out, or which shall be made in any Town, Township or place within this Province; and also all roads laid out by virtue of any Act of the Parliament of this Province, or any roads whereon the public money hath been expended for opening said roads throughout this Province, or whereon the Statute Labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless any such roads have been already altered according to law, or until such road or roads shall be altered according to the provisions of this Act.

XXXV. And be it further enacted by the authority aforesaid, That when any highway or road shall be altered, amended or laid out, under the provisions of this Act, that the soil and freehold of such highway or road, shall be thereby vested in His Majesty, His Heirs and Successors.

Soil and freehold of roads under the provisions of this Act, vested in His Majesty, His Heirs and Successors.

HOUSES OF INDUSTRY.

UPPER CANADA ACT, 7 WM. IV., CAP. 24.

An Act to authorize the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.

[So much of the first section as vests any powers granted thereby in the Grand Juries, or the Magistrates in Quarter Sessions, or limits the expenditure, and the whole of the second section are repealed — *Vide* Municipal Corporations' Act, 12 Vic., Cap. 81, Sec. 41, *sixthly;* and also same act, Sec. 107, *firstly.*]

Whereas it is expedient and necessary to provide a House of Industry in the several Districts of this Province, and to provide employment for the indigent and idle: Be it therefore enacted, &c., That the Court of General Quarter Sessions of the Peace, to be holden in each District, after the presentment of three successive Grand Juries recommending the same, it shall be the duty of the Justices of the said District to procure plans and estimates for the erection of suitable buildings for the reception and employment of the poor and indigent, and of the idle and dissolute, and to procure or purchase a suitable site whereon to erect the same, and to contract for the erection thereof; Provided the expense thereof shall not exceed the sum of one thousand pounds; and also to appoint five Inspectors, who shall have the inspection and government of the said House, with full power to appoint a Master, Mistress, and such needful assistance for the immediate care and oversight of the persons received into or employed in that House; which Inspectors, once every month, and at such other times as occasion may require, shall meet for the purpose of determining the best method of discharging the duties of their office, and at such meetings shall have full power to make such needful orders and regulations for the government of the said house, and to alter the same from time to time as they may think expedient, and all such by-laws for the ordering and regulating the said House, and the affairs thereof, as may be necessary, the same not being repugnant to the laws of the land.

Preamble.

After the presentment of three successive Grand Juries, Justices in Quarter Sessions to procure plans, purchase site, and erect a House of Industry.

Not to cost more than one thousand pound.

II. [*Repealed*]

III. And be it further enacted by the authority aforesaid, That any two of His Majesty's Justices of the Peace, or of the Inspectors appointed, as aforesaid, are hereby authorized, empowered and directed, to commit to such House, by writing under their hands and seals, to be employed

Justices of the Peace may commit persons to the House of Industry.

and governed according to the rules, regulations and orders of said House, any person or persons residing in the District that are by this Act declared liable to be sent thither.

Who may be sent into Houses of Industry.

IV. And be it further enacted by the authority aforesaid, That the persons who shall be liable to be sent into, employed and governed, in the said House, to be erected in pursuance of this Act, are all poor and indigent persons, who are incapable of supporting themselves; all persons able of body to work and without any means of maintaining themselves, who refuse or neglect so to do; all persons living a lewd, dissolute, vagrant life, or exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living; all such as spend their time and property in public houses, to the neglect of their lawful calling.

Inspectors to keep accounts.

V. And be it further enacted by the authority aforesaid, That all Inspectors appointed in pursuance of this Act, shall keep an account of the charges of erecting, keeping, upholding and maintaining such House, together with an account of all materials found and furnished, together with the names of the persons received into such House, as well as of those discharged therefrom, and also of the earnings; one copy of which shall be presented to the Justices of the Peace of each District once in every year, or oftener when required by such Justices in General Quarter Sessions assembled, and one copy to each Branch of the Legislature.

Persons sent to House of Industry to be diligently employed in labour.

VI. And be it further enacted by the authority aforesaid, That all and every person committed to such House, if fit and able, shall be kept diligently employed in labour during his or her continuance there; and in case the person so committed or continued shall be idle, and not perform such reasonable task or labour as shall be assigned, or shall be stubborn, disobedient or disorderly, he, she, or they, shall be punished according to the rules and regulations made or to be made for ruling, governing, and punishing, persons there committed.

TOWNSHIP OFFICERS.

UPPER CANADA ACT, 1 *VIC., CAP.* 21.

An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers.

(Repealed, except the following Sections.)

Pound keepers to provide themselves with en-

XXXII. And be it further enacted by the authority aforesaid, That it shall be the duty of any Pound Keeper appointed under the provisions of this Act, to provide himself with sufficient yards or enclosures for the safe keeping of all such animals as it may be his duty to impound, and he is hereby authorised and required to impound all animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any persons resident within his division taking up the same; and it shall be his duty to furnish the same with necessary food and drink; and if after the space of forty-eight hours the said animals shall not be claimed and redeemed by the owner, or some one on his behalf, paying the Pound Keeper his lawful demand and charges, and the amount of damages awarded, in the manner hereinafter mentioned, to have been done by such animals, to the person taking up the same, he shall cause a notice in writing to be affixed in three public places in the Township for at least fifteen days, which notice shall give a description of such animals, and also state the time and place at which he intends to expose the same for sale; and if the owner of such animals, or some one in his or her behalf, does not within the time specified in such notice, as aforesaid, redeem the same, by paying to the said Pound Keeper his legal fees, which shall be regulated from time to time by the Town Wardens of each Township, who are hereby required to regulate the same, and furnish the copy or schedule to the Township Clerk for the information of the Pound Keepers, and charges, and the damages awarded to the person taking up such animals, the said Pound Keeper shall proceed to sell the same to the highest bidder, at the time and place mentioned in the said notice, which sale is hereby declared to be valid in law; and the said Pound Keeper shall, after deducting his own legal charges and the damages awarded to the person taking up the said animals, provided he is the party injured, return the overplus (if any there be) to the original owner: Provided always, that if no person shall appear to claim the said animals within the space of three months after public notice and sale, as aforesaid, the said Pound Keeper shall pay the overplus (if any) into the hands of the Township Clerk for the time being, to be laid out and expended for the improvement of the roads and bridges within the said Township.

closures, and to impound all animals unlawfully running at large, and furnish them with food and drink;

(Sec. 43 *Geo. III. Cap.* 10, *Sec.* 4.)

If animals not claimed, and lawful demands not paid, they may, after legal notice, be sold;

Overplus arising from sale to be returned to owner, if claimed.

XXXIII. And be it further enacted by the authority aforesaid, That if any ox or oxen, horse or horses, cow or cows, shall be impounded, as aforesaid, and not claimed before the expiration of fifteen days, as aforesaid, and the owner thereof shall not be known by the said Pound Keeper, then and in that case the Pound Keeper shall not sell such ox or oxen, horse or horses, cow or cows, at the time stated in such notice, but shall postpone the sale thereof for the space of forty days, at the expiration of which time such Pound Keeper shall proceed

How to proceed when horses, oxen or cows, are impounded, and owners are not known;

to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding clause of this Act: Provided always, that the owner of the same may at any time before such sale redeem such animal or animals by paying demands, as aforesaid.

Owners may redeem.

Persons taking up cattle to be impounded, must state their demands in writing;

XXXIV. Provided also, and be it further enacted by the authority aforesaid, That it shall be the duty of all and every person taking any animal or animals to a Pound Keeper to be impounded, at the same time, or within twenty-four hours, to state in writing to the said Pound Keeper, all demands he may have against the owner of such animal or animals, for damages done by them; and in case the owner of such animal or animals shall tender to the Pound Keeper the full sum which shall or may be awarded as damages to the party suffering the same, with the costs then incurred, such owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

Party claiming extravagant Damages to pay costs.

Three freeholders may appraise damages, and determine upon the lawfulness of fences;

(*See* 4 *Wm. IV Cap.* 12, *Sec.* 5.)

XXXV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Pound Keeper, and he is hereby authorised and required, when the owner of any animal impounded shall object to the amount of damages claimed, within forty-eight hours after the same have been impounded, as aforesaid, to notify three disinterested resident freeholders or householders, farmers in the said Township, to appraise the damages, and also to judge of the sufficiency of the fence enclosing the ground wherein such animals were found doing damage; and such freeholders or householders, farmers, or any two of them, shall within twenty-four hours after the receipt of such notice, view said fence, and determine whether the same is a lawful fence according to the regulations of the Township meeting on the subject, and if so appraise the damage done; and having reduced this their award to writing, shall deliver the same, signed with their names, to the Pound Keeper, within the space of twenty-four hours after having been so notified: Provided always, that if any person shall neglect or refuse to attend to examine said damage after being notified, as aforesaid, he shall be liable to a penalty of five shillings for every such neglect or refusal, to be recovered and applied in the same manner as fines imposed by this Act for refusing or neglecting to perform Statute labour: Provided always, that the owner of any animal or animals not permitted to run at large by the regulations of such Township meeting, shall be liable for any damage done by such animal or animals, notwithstanding that the fence enclosing the premises was not of the height required by the said regulations.

Persons refusing to appraise may be fined;

Persons liable for damage, if cattle unlawfully allowed to run at large.

TORONTO CITY.

UPPER CANADA, ACT, 4 WM. IV., CAP. 23,
for unrepealed Sections, see page 162.

UPPER CANADA ACT, 3 VIC., CAP. 47.

An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, 'An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto.'"

[I. *Repealed.*]

Executive Councillors to have jurisdiction as Justices of the Peace in the City of Toronto.

II. And be it further enacted by the authority aforesaid, That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto as such Justices, any thing in the said Act, intituled, "*An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto,*" to the contrary thereof notwithstanding.

(Sec. 7, Wm. 4, Cap. 39; 4, Wm. 4, Cap. 23.)

NIAGARA MARKET.

UPPER CANADA ACT, 2 VIC., CAP. 46.

An Act to authorise the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.

[Repealed, with the exception of so much of the second section as reserves any privileges or advantages to certain Lessees and Tenants, or their Assigns.]

Market reservation may be mortgaged to secure the money borrowed under this Act.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Robert Dickson, John Claus, and Lewis Clement, and their successors in office of the trust, and they are hereby authorised and empowered to mortgage or place in security the said lots number sixty-five and sixty-six, to any person willing to lend the said sum of fifteen hundred pounds, on such terms as may be mutually agreed upon, for the purpose of securing the re-payment thereof with interest, such interest not to exceed six per centum per annum; saving and excepting nevertheless, to all and every lessee, tenant, or their assignees, now entitled to the occupation or interest of or in any lot heretofore leased, all those privileges and advantages vested in them, or which they or their assignees may be entitled to under and by virtue of any original lease heretofore at any time granted.

MILITIA COMMUTATION MONEY.

ACT 4 & 5 VIC., CAP. 2.

An Act to Amend the Militia Laws of that part of this Province formerly constituting the Province of Upper Canada.

[Revived by 12 Vic., Cap. 88.]

Preamble.

Whereas great inconvenience has been experienced in collecting fines from Aliens; And whereas apprehension exists among a numerous and deserving class of Her Majesty's Subjects in this Province having certain conscientious scruples, that they are subject to excessive fines: Be it therefore enacted, &c., That the fifty-second and fifty-third sections of the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, chapter nine, and intituled *An Act to repeal, alter and amend the Militia Laws of this Province*, be and the same are hereby repealed.

The 52nd and 53rd sections of the Provincial Act of Upper Canada, 2d Vic. c. 9, repealed.

Quakers, Mennonists and Tunkers not to be liable to serve in the Militia in that part of the Province formerly called Upper Canada.

II. And be it enacted, that the persons called Quakers, Mennonists, or Tunkers, shall not be compelled to serve in the Militia within that portion of this Province, which formerly constituted the Province of Upper Canada; but every person who shall profess to be one of the people called Quakers, Mennonists, or Tunkers, and shall if required produce a certificate thereof, signed by the Clerk, Pastor, Minister or Elder of the Meeting or Society to which he shall belong, shall be excused and exempted from serving in the said Militia, in the said portion of this Province: Provided nevertheless, that every such person, from the age of sixteen to sixty, so claiming to be excused or exempted, shall on or before the first day of February, in each and every year after the passing of this Act, give in his name and place of residence to the Assessor or Assessors of the Town, Township or Place where he shall reside, and shall pay in each and every year in time of peace, the sum of ten shillings, and in time of actual invasion or insurrection, or when any of the Militia of the District in which such person shall reside shall be called out on actual service, the sum of five pounds; which commutation money shall be in lieu and discharge of such Militia service, and shall be applied as hereinafter provided.

But such persons shall pay a certain annual sum of money in lieu of so serving. The sum to be so paid.

Assessors to enter the names of all such per-

III. And be it enacted, that it shall be the duty of the Assessor or Assessors in each Township within the said portion of this Province, and they are hereby required to annex a column to each and every Assessment roll of each and every Town, Township or Place in his or their respective District, and therein to insert the names of every such Quaker, Mennonist or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every Collector in each and every Town, Township or Place within this Province, to collect, in the same manner as he is authorized by Law to collect any ordinary Assessment; and such Collector shall pay the same into the hands of the Town Clerk, to be expended within the Township where the same shall have been levied, in aid of any road tax or Assessment raised or levied therein. And the Assessor or Assessors shall transmit a list of the names of all such Quakers, Mennonists or Tunkers by him or them inserted in the Assessment roll, to the Colonel of Militia for the division in which such persons shall respectively reside, within thirty days after such Assessment Roll shall have been completed.

sons on the Assessment rolls, and the sum each person is liable to pay.

Collection of such sums.

IV. And be it enacted, that it shall be lawful to and for the said Town Clerk of such Town, Township or Place, and he is hereby required to pay out the said moneys from time to time, to the order of the Road or Path Master of the division wherein such fine shall have been levied, and to be expended on the public Roads, Highways and Bridges within such division.

Application of such sums.

V. And be it enacted, that it shall be the duty of the Path Masters in every Township or Place, and they are hereby required to apply such sum or sums of money from time to time, to the improvement of the Highways, Roads and Bridges, within such Township or Place, after the manner and form, and upon such place or places, as they shall be according to law directed, and to render an account thereof upon oath or affirmation, as the case may be, to the Clerk of such Town, Township or Place, whose duty it shall be to report the same to the Magistrates in General Quarter Sessions assembled; and if any such Path Master, or Town Clerk, shall fail to render such account, or to pay over and distribute such monies as may come into his hands as aforesaid, he shall for such default be subject to a penalty of ten pounds currency, to be recovered with costs by summary process before any one or more Justices of the peace, for the division or district in which such Town, Township or Place may lie.

Duty of Path Masters applying such sums;

And in accounting for the same.

Penalty on Path Masters neglecting so to account.

VI. And be it enacted, that all proceedings in any suit, action or prosecution, which before the passing of this Act, may, under the provisions of the Provincial Act herein first above cited, have been commenced against any such Quaker, Mennonist or Tunker, as aforesaid,

Prosecution pending against Quakers, Menonists, or Trunkers, for penalties imposed by the Act first cited, to be discontinued.

for the recovery of any penalty imposed by the said Act, shall cease and be discontinued from and after the passing of this Act.

LINE FENCES AND WATER COURSES.

ACT 8 *VIC., CAP.* 20.

An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada.

[So much of the first section repealed as vests the appointment of Fence Viewers in the inhabitant freeholders and householders, at their annual meetings.—*See* Municipal Corporations Act, 12 Vic., Cap. 81, Sec. 31, *fifthly*, page 19.]

Preamble.

Whereas it is expedient to repeal the Act hereinafter mentioned, and to make better provision for the regulation of Line Fences and Water Courses in Upper Canada: Be it therefore enacted, &c., That it shall and may be lawful for the inhabitant freeholders and householders of each and every Township in that part of this Province formerly Upper Canada, at their annual Township Meeting for the election of Township Officers, to choose from among the inhabitants of the said Township, in the same manner as by law other Township Officers are chosen, not less than three nor more than twelve fit and proper persons to serve the office of Fence Viewers, who shall perform the duties hereinafter prescribed to Fence Viewers, which Fence Viewers are hereby declared to be Township Officers within the meaning of the Act of Upper Canada passed in the first year of Her Majesty's Reign, and intituled, *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, and shall accordingly make the like declaration, and shall be liable to all the penalties by the said Act imposed for neglect or refusal to perform their duties, and shall be bound by all the provisions thereof applicable to Township Officers generally.

Fence Viewers to be chosen at Township Meetings, and to be Township Officers within the meaning of 1 Vict. cap. 4.

II. And be it enacted, That each of the parties occupying adjoining tracts of land, shall keep up, make and repair, a fair and just proportion of the Division or Line Fence between their several tracts of land, which Line Fence shall be made on the line dividing such tracts of land, and equally on either side thereof: and that where there shall be a dispute between the parties as to the commencement or extent of the part of the said Division or Line Fence which either party may claim or refuse to make or repair, it shall and may be lawful for either party to submit the same to the determination and award of three Fence Viewers, which Fence Viewers are hereby authorized and required, upon being duly notified by either party in such case, to attend at the time and place stated in such notice, and after being satisfied that the other party or

Fence Viewers shall have power, on the application of parties being neighbours, to assign to each the share of the Line Fence he is bound to keep up.

parties in the case have been duly notified to appear at the same time and place, to proceed to examine the premises; and such Fence Viewers or any two of them shall determine any and every dispute in the matter aforesaid between the said parties: And the award and determination of such Fence Viewers or any two of them on the matters aforesaid, shall be binding on the parties as far as concerns the making or repairing of such Division or Line Fence, and from thenceforth the occupier or occupiers of the said tracts or parcels of land shall respectively make and repair and keep in repair that part of such Division or Line Fence which shall have been assigned in such award or determination to the occupier or occupiers of such tract or parcel of land, which determination and award shall be made in writing and signed by such Fence Viewers or a majority of them and filed with the Town Clerk, and a copy of the same if so required given to each of the said parties: Provided always, that when by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots or parcels of land, an award which has been made under this Act shall cease, in the opinion of either of the parties, to be equitable between them, it shall be in the power of either to obtain another award of Fence Viewers by the same mode of proceeding as is hereinbefore directed: and that if the Fence Viewers who shall have been called upon to make such subsequent award shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

Award how to be made and enforced.

Proviso, in certain cases, a new award may be obtained.

If either party refuse to make his share of a Line Fence, the other party may make it and recover the costs.

III. And be it enacted, That if any party who may be in the occupation of any tract or parcel of land, shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the Division or Line Fence between such tract or parcel of land and the adjoining tract or parcel of land, for a period of thirty days after being required by a demand in writing, by the party occupying such adjoining tract or parcel of land, or after the award of the Fence Viewers as aforesaid, to make or repair such equal or just proportion of the Division or Line Fence, or if the party making the demand shall for such period neglect or refuse to make or repair an equal or just proportion of the Division or Line Fence, it shall and may be lawful for either of the said parties, after first completing his own proportion of such fence, to make or repair, in a substantial manner and of good sound materials, the whole or any part of the said Division or Line Fence, which ought to have been by the other party made or repaired, and to recover, in the manner hereinafter mentioned, of the party who may have neglected or refused in manner aforesaid to make or repair such proportion of the Division or Line Fence, the just and full value of such proportion not exceeding

Proviso: a Fence shall be considered sufficient if it be within the description declared to be so by resolution of the Township meeting.

If there be no resolution, Fence Viewers to have a discretion.

the sum of two-shillings and six pence per rod, to be ascertained and determined in the manner hereinafter provided: Provided always, that any Fence coming within the meaning and intent of the resolution adopted by the inhabitant householders and freeholders, at their last annual Township Meeting, shall be considered by all Fence Viewers to be a lawful Fence, and when no such resolution shall have been adopted, then and in that case it shall be lawful for such Fence Viewers, when called upon, to exercise their own judgment and decide what they consider to be a lawful Fence.

A Justice of the Peace may enforce payment of the costs of the Fence made by a party for his neighbour under the next preceding section, first procuring a report of Fence Viewers.

IV. And be it enacted, That it shall and may be lawful for any Justice of the Peace, residing within the Township in which such Fence may be situated, and if there be no such Justice residing in the said Township, then any other Justice of the Peace residing in any adjacent Township, and he is hereby required, upon the demand of any party interested, to issue a Summons under his hand and seal directed to three Fence Viewers (by their proper names) of the Township in which such Fence is situated, requiring them to attend at the place and on the day and hour therein mentioned, to view such Fence and to appraise the same; and also to issue a Summons to the party so having neglected or refused to make or repair such proportion of the Division or Line Fence, (who shall thenceforth be considered as the party defendant in the case,) requiring him or them to appear at the same time and place, to shew cause why the party claiming payment as aforesaid (who shall thenceforth be considered as the party plaintiff in the case) should not recover the same.

Duty of the Fence Viewers in making such report.

V. And be it enacted, That such Fence Viewers, upon being personally served at least four days previously with such summons, and any two of them being there then present, and after having duly examined the Fence and received evidence, which, if required by either party, and if the said Fence Viewers shall think it expedient, shall be given under oath, they or any two of them shall determine whether the said party plaintiff is entitled to recover any or what sum from the party defendant under the provisions of this Act; and in all cases where the commencement or extent of the part of such Division or Line Fence which each should make or repair has not been determined by the award of Fence Viewers as aforesaid, the said Fence Viewers or any two of them shall determine the same, (which determination shall be final and binding on the occupiers of the said tracts or parcels of land, and have the same effect as if it had been made by the Fence Viewers in the manner first before mentioned,) and shall report their determination upon the matters aforesaid in writing under their hands to the Justice by whom the Summons shall have been issued, and shall also, in all cases

To what point the report shall extend.

where they determine that the plaintiff or plaintiffs is or are entitled to recover any thing from the defendant or defendants, state what distance of Fence they have determined that the defendant or defendants should have made or repaired; and the said Fence Viewers, if they shall be required by either party, before they shall have made a report as aforesaid to the said Justice, shall give to such party requiring the same a true copy of their said determination.

Copy may be required by either party.

VI. And be it enacted, That if either of the said parties shall desire to procure the attendance of any person or persons to give evidence before such Fence Viewers, it shall and may be lawful for the said Justice to issue, upon the application of either of the said parties, a Summons to any person or persons to attend as a witness or witnesses before the said Fence Viewers at the time and place mentioned in the said Summons to the Fence Viewers; and that the said Fence Viewers, when met as aforesaid, at the time and place mentioned in the Summons, shall be and are hereby authorized, whenever it shall be desired by either party or they shall think it proper, to administer an oath to any witness, which oath shall be in the following form: "You do solemnly swear that you will true answer make to such questions as may be asked of you by either of the Fence Viewers now present, touching the matters which they are now to examine and determine: So help you God." And if any person giving evidence as aforesaid, under oath shall be guilty of false swearing, he shall be guilty of wilful and corrupt perjury, and upon conviction thereof, shall be liable to the same punishment and disabilities to which persons convicted of that offence in other cases are now by law liable.

Witnesses may be summoned.

And sworn.

The oath.

False swearing to be perjury.

VII. And be it enacted, That the said Justice to whom the determination of the Fence Viewers shall be returned as aforesaid, shall transmit the same to the Clerk of the Division Court having jurisdiction over the said Township, and certify and transmit a copy thereof to the Township Clerk, to be entered in the book in which the Township proceedings are recorded, and thereupon the said Clerk of the said Division Court shall issue an execution against the goods and chattels of the said defendant or defendants, in the same manner as if the party in whose favour the said dertermination shall have been made, had recovered judgment in the said Court for the sum which the said Fence Viewers shall have determined as aforesaid, he was entitled to receive, with such costs as are hereinafter provided and to be allowed: Provided also, that no such Writ of Execution shall be issued until after the expiration of forty days from the time of such determination.

The Report shall be transmitted by the Justice to the Clerk of the Division Court.

Execution to issue thereon.

Costs.

Proviso, delay before execution.

VIII. And be it enacted, That when any party shall cease to occupy

Provision as to

Fences adjoining lands which, after being improved, are left in common, and when the lands after being unimproved become improved.

or improve his land, or shall lay the inclosure before under improvement, in common, the said party or parties shall not have a right to take away any part of the Division or Line Fence adjoining to the next enclosure that is improved or occupied, provided the party occupying the lands adjoining the same will allow and pay therefor so much as the Fence Viewers or a majority of them shall in writing determine to be the reasonable value thereof; and whenever any lands which have laid unimproved and in common shall be afterwards enclosed or improved, the occupier or occupiers thereof shall pay for their fair or just proportion of the Division or Line Fence standing upon the divisional line between the same land and the land of the enclosure of any other occupant or proprietor, the value thereof to be ascertained and set forth in writing by three Fence Viewers, in case the parties shall not agree among themselves, and the amount of such value may be recovered according to the proportions so estimated, in the same manner and form as hereinbefore provided respecting the making and keeping in repair Division or Line Fences.

In what case only any party may remove his portion of a Line Fence.

IX. And be it enacted, That in no case shall any person be authorized to take away any part of the Division or Line Fence which to the said party may belong, adjoining to the next enclosure which is improved or occupied, unless the party or parties occupying the lands adjoining the same, refuse, after demand made in writing by the person or persons purposing to remove part of any Line Fence, to pay for the same as aforesaid; nor without first giving due notice to such party for at least twelve months previously to the removal of the same.

Provision as to Water Fences

X. And be it enacted, That when a Water Fence or a Fence running into the water is necessary to be made, the same shall be made in equal parts, unless by the parties otherwise agreed; and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings shall or may be had, as in other cases of the like kind respecting other Fences in this Act mentioned.

Duty of Fence Viewers as to lands bounded by brooks, &c.

XI. And be it enacted, That when lands belonging to or occupied by different persons, are subject to be fenced and bounded upon or divided from each other by any brook, pond or creek, which of itself is not a sufficient fence, in such case, if the parties disagree, the same may be submitted to three Fence Viewers, as heretofore provided; and if in the opinion of such Fence Viewers, such brook, river, pond, or creek, is not of itself a sufficient barrier, and that it is impracticable to fence at the true boundary line, they shall judge and determine how or on which side thereof the Fence shall be set up and maintained, or whether partly on one side and partly on the other, as to them shall appear just, and reduce their determination to writing as heretofore provided in other cases; and if either of the parties shall refuse or neglect to keep up or maintain the part of the Fence to such party belonging, according to the Fence Viewers' determination in writing as aforesaid, the same may be done and performed as is in this Act before provided in other cases, and the delinquent party shall be subject to the same costs and charges, and to be recovered in like manner.

Penalty for not obeying their award.

Powers and duties of Fence Viewers with regard to Ditches or Water Courses in which two or more parties shall be interested.

XII. And whereas it is expedient to provide for the opening of Water Courses in Upper Canada: Be it therefore enacted, That in all cases when it shall be the joint interest of parties resident to open a Ditch or Water Course for the purpose of letting off surplus water from swamps or sunken miry lands in Upper Canada, in order to enable the owners or occupiers of such swampy or sunken lands to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair proportion of such Ditch or Water Course according to the several interests that such parties may have in the same; and in cases where a dispute shall or may arise as to the part, width, depth, or extent that any party so interested ought to open or make, the same may be referred to three Fence Viewers, in the same way and manner as is heretofore by this Act provided in cases of disputes between parties relative to Line or Division Fences; and it shall be the duty of such Fence Viewers to whom such matters shall be referred, to divide or apportion such Ditch or Water Course among the several parties, in such way as in the opinion of such Fence Viewers shall be a just and equitable proportion having due regard to the interest each of the parties shall have in the opening of such Ditch or Water Course; and the Fence Viewers at the same time decide what length of time shall be allowed to each of the said parties to open his share of such Ditch or Water Course; and the determination or award of such Fence Viewers shall be made in the same manner, and have the same effect in regard to Ditches or Water Courses as is provided by this Act in regard to Division or Line Fences.

Provision as to a Water Course crossing the land of a party not otherwise interested.

XIII. And be it enacted, That when it shall appear to such Fence Viewers that the owner or occupier of any tract or parcel of land is not sufficiently interested in the opening of such Ditch or Water Course to make him a party, and at the same time that it is necessary that such Ditch should be continued across his land by the other party or parties at his or their own expense, they may award the same in manner and form aforesaid; and upon such award, such party or parties may lawfully open such Ditch or Water Course across such land as aforesaid at his or their own expense, without being deemed to have committed a trespass by so doing.

Provision in case

XIV. And be it enacted, That if any party shall neglect or refuse any party shall refuse to make, his share of a Water Course.

upon demand made in writing as aforesaid, to open or make and keep open his share or proportion allotted or awarded to him by such Fence Viewers as aforesaid, within the time allowed by such Fence Viewers, either of the other parties may, after first completing his own share or proportion allotted to him in manner aforesaid, open the share or proportion allotted to such party neglecting or refusing to open the same, and such party so opening such other party's share shall be entitled to recover not more than the sum of two shillings per rod from the party so neglecting or refusing to open his share or proportion, in the same manner as is in this Act provided relative to Line and Division Fences.

A party may take lawful possession of the allowance for road in rear of his lot, in certain cases and on certain conditions.

XV. And be it enacted, That any party who may be in possession of any part of an allowance for road laid out as such in the rear of his lot, in the original survey of any Township in Upper Canada, the same being enclosed by a lawful Fence, and which road, from particular circumstances, may not be travelled or required to be used by the public for the time being, by reason of any other road or roads, being used in lieu thereof, or because the same has not been open for public travel, shall be deemed and taken to be legally possessed of that part of such road as against any other private party: Provided always, that in any such case the said possession shall cease and determine, upon an order from any two Justices of the Peace for the District in which such allowance for road may be situate, being made and directed to the proper Township Officer requiring him to open the same.

Proviso.

Fees for services under this Act.

XVI. And be it enacted, That the following fees, and no more, shall be received by the different parties acting under the provisions of this Act, that is to say:

To the Justice of the Peace:

For Summons to Fence Viewers, one shilling and three pence.

For Subpœna, which may contain three names, one shilling and three pence.

For transmitting copy of Fence Viewers' determination to Division Court and to Township Clerk, one shilling and three pence.

To the Fence Viewers:

Five shillings per day each; if less than half a day employed, two shillings and six pence.

To the Bailiff or Constable employed:

For serving Summons or Subpœna, one shilling.

Mileage—per mile, four pence.

To Witnesses—per day each, two shillings and six pence.

XVII. And be it enacted, That the fees hereinbefore allowed shall be included in the execution to be issued by the Clerk of the Division Court as aforesaid, upon the party in whose favour the determination of the Fence Viewers shall be made, making an affidavit that the same have been duly paid and disbursed to the said parties respectively, (and which affidavit the said Clerk is hereby empowered to administer), and when recovered shall be paid over by the said Clerk to the said party entitled to recover the same.

Fees actually paid to be included in the execution.

XVIII. And be it enacted, That the words "Upper Canada" wherever they occur in this Act shall mean all that part of this Province which formerly constituted the Province of Upper Canada; that the word "party" in this Act shall include any person or persons, body or bodies politic or corporate; and that all words importing the singular number or the masculine gender only, shall include several persons, matters or things of the same kind as well as one person, matter or thing, and females as well as males, unless there be something in the subject or context inconsistent with such interpretation.

Interpretation clause.

XIX. And be it enacted, That the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads*, shall be and the said Act is hereby repealed upon, from and after the first day of April next: Provided always, that the repeal of the said Act shall not be construed to revive any Act or part of an Act thereby repealed.

Act of U. C. 4 William IV., c. 13, repealed.

Proviso.

ALLOWANCES FOR ROADS.

ACT 9 VIC., CAP. 8.

An Act to prevent the opening of Government Allowances for Roads without an order from the District Council of the District in which the said Allowances are situate.

Whereas in consequence of roads established by Law, parallel or near to Government allowances for roads and in lieu thereof, the said allowances for roads have for years remained closed and in the possession

Preamble.

of private persons; And whereas great inconveniences may arise in consequence of the said allowances being thrown open without due notice thereof being given: Be it therefore enacted, &c., That from and after the passing of this Act no allowance for road shall be opened unless an Order ordering the same to be opened shall be first made by the District Council of the District in which the allowance is situated; Provided always, that no such Order shall be made, unless a notice in writing that an application for that purpose will be made shall have been given to the party in possession of such allowance for road, at least eight days previous to the meeting of the District Council at which such application is intended to be made.

No Government allowance for roads to be opened unless by an order of the District Council.

Proviso.

WESTERN DISTRICT.

ACT 10 *&* 11 *VIC.*, *CAP.* 39.

For unrepealed Sections, see page 205.

LOCK-UP HOUSES.

ACT 10 *&* 11 *VIC.*, *CAP.* 41.

An Act to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West.

[Repealed, except the following Clauses.]

District Councils to establish Lock-up Houses and the Magistrates in Q. S. to appoint Keepers and fix their salaries.

III.* And be it enacted, That it shall be lawful for each such District Council to establish a Lock-up-House in any such Town or Village containing not less than one hundred adult inhabitants, and not being distant less than ten miles from the District Town: And that the said Lock-up-Houses shall be severally placed in the charge and keeping of a constable, to be specially appointed for that purpose by the Magistrates of the District in which such Town or Village may be situated, at any General Quarter Sessions of the Peace for the said District; and such Constable shall be resident in such Town or Village, and be one of the Constables of the Township in which such Town or Village may be situated, and the said Justices in Quarter Sessions may allow such salary or fees as they may think proper to such Constable.

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* Section three is not mentioned in the repealing Schedule of the Act 12 Vic., cap. 80; nor is it mentioned in the saving Schedule. We take it, therefore, that the clause is still in force.

Justices of the Peace residing in or near the Town or Village, may commit persons charged with certain crimes to the Lock-up House.

V. And be it enacted, That it shall be lawful for any Justice of the Peace, residing at or near any Town or Village where a Lock-up-House may have been established, or nearer to the same than to the District Town, to authorize by written order to confinement or detention therein of any person or persons who may be charged on oath with having committed any criminal offence, and whom it may be lawful and necessary to detain until such person may be examined and fully committed for trial to the Common Jail, or dismissed as the case may be, so as such confinement or detention shall not exceed the period of two days: And also, all persons found in the streets or highways in a state of intoxication, and all persons who may have been convicted of unlawfully desecrating the Sabbath, and generally all persons convicted, on view of such Justice of the Peace, or on the oath of one or more credible witnesses, of any offence cognizable by the law of that part of this Province, formerly Upper Canada, so as such detention or confinement in any of the last mentioned cases shall not exceed the period of twenty-four hours: And to authorize the detention therein of any person committed to the Common Jail, until such person can be conveyed to such Jail.

Expense of conveying prisoners to Lock-up Houses how defrayed.

VI. And be it enacted, That the expense of conveying any prisoner to, and detaining and keeping him or her in any such Lock-up-House, shall be defrayed in the same manner as the expense of conveying such prisoner to and keeping him or her in the Common Jail at the District would by law be.

APPENDIX.

Since the Schedules to the Municipal Acts were printed, the following places have been proclaimed, viz:

Chatham—Town

Limits.

Chatham,—To consist of all that part of this Province situate in the County of Kent and lying within the following limits, that is to say: Commencing on the northerly bank of the River Thames, in the limit between lots numbers twenty-three and twenty-four, in the first concession of the township of Dover East; thence, north-westerly, along the said limit to the allowance for road in rear of the said concession; thence, north-easterly, along the south-easterly limit of the said allowance for road and the allowance for road in rear of the first concession of the township of Chatham, to lands owned by Ingram Taylor, Esquire, being near the middle line of lot number two, in the first Concession of the said township of Chatham, divided longitudinally; thence, south, forty-five degrees east to the middle of the river Thames; thence, north-easterly, up the middle of the river to a point in prolongation of the limit between lots numbers two and three, in the first concession from the river Thames, by the western boundary of the township of Harwich; thence, south-easterly, to the limit between the lots numbers two and three last mentioned, and along the said limit and prolongation thereof south-easterly to the south-easterly side of the allowance for road, between the first and second concessions from the river Thames, by the western boundary; thence, south-westerly, along the south-easterly limit of the last mentioned allowance for road to the limit between lots numbers one and two, in the second concession from the river Thames, by the western boundary, in the township of Harwich; thence, south-easterly, along the last mentioned limit to the allowance for road in rear of the second concession aforesaid; thence, south-westerly, along the north-westerly limit of the allowance for road in rear of second concession aforesaid, and along the north-westerly limit of the allowance for road in rear of the second concession by the eastern boundary, of the township of Raleigh, to the limit between lots numbers twenty-three and twenty-four, in the second concession by the eastern boundary of the said township of Raleigh; thence, north-westerly, along the last mentioned limit to the allowance for road between the first and second concessions, by the eastern boundary of the township of Raleigh; thence, south-westerly, along the south-easterly limit of the last mentioned allowance for road to the limit between lots numbers twenty-two and twenty-three, in the first concession, from the eastern boundary produced, across the allowance for road last mentioned; thence, north-westerly, along the limit between lots numbers twenty-two and twenty-three aforesaid and prolongation thereof, to the middle of the river Thames; thence, north-easterly, up the middle of the river to a point in prolongation of the limit between lots numbers twenty-three and twenty-four, in the first concession of the township of Dover East aforesaid; thence, north-westerly, along the said prolongation of the limit between lots numbers twenty-three and twenty-four to the place of beginning." And know Ye further, that We have divided, and by and from the date of these presents do divide the said Town of Chatham, into three Wards to be called respectively "Northwood Ward," "Ebert's Ward," and "Chrysler's Ward." **Wards:**

The said Northwood Ward to comprise all that part of the said Town which lies to the north-west of the middle of McGregor's Creek and to the north-west of the middle of the river Thames from the mouth of the said Creek downwards. **Northwood Ward**

The said Ebert's Ward to comprise all that part of the said Town which lies between the middle of McGregor's Creek and the middle of the river Thames from the mouth of the said Creek downwards, and Wellington street and prolongation thereof on a course of south fourteen degrees west to the south-westerly limit of the town. **Ebert's Ward.**

The said Chrysler's Ward to comprise all that part of the said town which lies to the south-east of Ebert's Ward aforesaid. [*Proclamation made Sept.* 28*th*, 1854, *extending boundaries, and transferring to Schedule B.*] **Chrysler's Ward.**

Guelph,—To consist of all that part of this Province, situate within the County of Wellington, and lying within the following limits, that is to say: Commencing on the south-westerly limit of Dundas Road, at the easterly angle of lot number two, in the third range of Division G, in the Township of Guelph; thence, south-westerly, along the south-easterly limits of lots numbers two in the third and fourth ranges of Division G, aforesaid, to the southerly angle of the said lot number two in the fourth range; thence, north-westerly, along the north-easterly limit of the allowance for road between the fourth and fifth ranges of Division G, and between Divisions A and E, to the westerly angle of lot number twenty-four in Division A; thence, north-easterly, along the north-westerly limits of lots numbers twenty-four and eight in Division A, and of Park lot number seven in the fourth range of Division A, and across the allowance for road between the third and fourth ranges of Division A; thence, north-westerly, along the north-easterly limit of the last mentioned allowance for road to the westerly angle of the third **Guelph.** **Limits.**

range of Division A; thence, north-easterly, along the south-easterly limit of the allowance for road, which bounds the third, second and first ranges of Division A, aforesaid, and lots letter C, and numbers two, and lots numbers fifteen in the first and second ranges of Division F, and lots numbers four and five on the west side of the Eramosa road to the northerly angle of the last mentioned lot number five; thence, south-easterly, along the south-westerly limit of the allowance for road between Divisions C and F to the southern branch of the river Speed; thence, across the said southern branch of the river Speed, to the southerly bank thereof; thence, along the said bank, down the stream, to the limit between lots numbers two and three in the second range of Division G, aforesaid; thence, south-westerly, along the last mentioned limit and prolongation thereof across Dundas road to the place of beginning." [*Proclamation made extending Boundaries, Sep. 27th*, 1854.]

London. *London*,—to consist of all that part of the Province, situate within the County of Middlesex, and lying within the following limits, that is to say; all the lands comprized within the old and new surveys of the Town of London, together with the lands adjoining thereto, lying betweeen the said surveys and the river Thames, producing the northern boundary line of the new survey until it intersects the north branch of the river Thames, and producing the eastern boundary line of the said new survey until it intersects the east branch of the river Thames, and the eastern boundary line being known as Adelaide street.

Wards. The said City to be divided into seven wards, to be called respectively, First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward.

First Ward. The said First Ward to comprise all that part of the said City which lies south of Dundas street and west of Richmond street.

Second Ward. The said Second Ward to comprise all that part of the said City which lies west of Burlington street, Mark lane and Richmond street, and between Oxford and Dundas streets.

Third Ward. The said Third Ward to comprise all that part of the said City which lies south of Dundas street, and between Richmond and Waterloo streets.

Fourth Ward. The said Fourth Ward to comprise all that part of the said City which lies west of Waterloo street and east of Burlington street, Mark lane and Richmond street, and between Oxford and Dundas streets.

Fifth Ward. The said Fifth Ward to comprise all that part of the said City which lies west of Adelaide street and east of Waterloo street, and south of Dundas street.

The said Sixth Ward to comprise all that part of the said City which lies west of Adelaide street and east of Waterloo street, and between Oxford and Dundas streets. Sixth Ward.

The said Seventh Ward to comprise all that part of the said City which lies north of Oxford street." [*Proclaimed a City, Sep.* 21*st*, 1854.] Seventh Ward.

Napanee,—To consist of all that part of this Province, situate within the County of Lennox, and lying within the following limits, that is to say: "Commencing at the north-west angle of lot number twenty-one, in the first concession, second range of the Township of Richmond; thence, along the western limit of said lot, to the Napanee River; thence, across said River to the side line between lots numbers sixteen and seventeen, in the sixth concession of the Township of Fredericksburgh; thence, southerly, along said side line to the present travelled Road, running across said lots; thence, easterly, along said Road to the intersection of said Road, and the Kingston and Napanee Macadamized Road, and crossing said Macadamized Road; thence, along the northerly side of said Macadamized Road, to the limit between lots numbers twenty and twenty-one, in the seventh concession of said Township of Fredericksburgh; thence, northerly, along said limit to the Napanee River; thence, across said River to the eastern limit of lot number twenty-four, in the said first concession, second range of the Township of Richmond; thence, northerly, along said eastern limit to the rear of the said concession; thence, westerly, along the concession line to the place of beginning." [*Proclaimed an Incorporated Village, Sep.* 29*th*, 1854.] *Napanee.* Limits.

Paris,—To consist of all that part of this Province situate within the County of Brant, and lying within the following limits, that is to say: Commencing at the intersection of the original Northern Limit of the Village of Paris, by the easterly limit of the Galt road; thence, northerly, along the easterly limit of the Galt road, six chains sixty links, more or less, to an angle in the said road; thence, westerly, at right angles to the part of the Galt road before mentioned, to the rear line of lots fronting on Jane Street; thence, north-westerly, along the rear line of the said lots to the limit between lots numbers thirty and thirty one in the firs Concession of the Township of South Dumfries; thence, northerly along the limit between lots numbers thirty and thirty one aforesaid, to the allowance for road in rear of the said first Concession; thence westerly, along the southerly limit of the last mentioned allowance for road to the westerly limit of the grounds belonging to the Buffalo and Goderich Railway Company; thence south-easterly, along the westerly limit of *Paris.* Limits.

the said grounds as far as it continues on a straight line; thence south-easterly, in prolongation of the said straight line, to the northerly bank of Smiths Creek; thence, following the northerly bank of the said Creek with the stream as it turns and winds until it intersects the original northern limit of the Village of Paris aforesaid, and thence, easterly along the said northern limit to the place of beginning."—[*Proclamation enlarging boundaries dated, Sep. 20th,* 1854.]

St. Mary's.

Limits.

St. Mary's,—To consist of all that part of this Province situate in the County of Perth, and lying within the following limits, that is to say: Commencing at the south-westerly angle of lot number thirty-six abutting on the Thames, in the township of Blanshard; thence, along the rear boundary of the said lot and prolongation thereof north eighty degrees thirty minutes east to the eastern limit of lot number twelve, in the south boundary concession; thence, northerly, along the eastern limit thereof to the southerly limit of lot number twenty-two, in the eighteenth concession; thence, easterly, along the said southerly limit of lot number twenty-two, in the eighteenth concession, to the limit between the eighteenth and nineteenth concessions; thence, northerly, along the said limit between the eighteenth and nineteenth concessions to the southerly limit of lot number eighteen; thence, easterly, along the southerly limit of lot number eighteen, in the nineteenth concession, to the south-easterly angle thereof; thence, northerly, along the easterly limit of lots numbers eighteen and seventeen, in the nineteenth concession, to the northerly limit of the said lot number seventeen; thence, westerly, along the same to the limit between the eighteenth and nineteenth concessions; thence, northerly, along the said limit to the northerly limit of lot number fifteen; thence, westerly, along the northerly limits of lots numbers fifteen, in the eighteenth and seventeenth concessions and prolongation thereof, to the limit between lots numbers seventeen and eighteen, abutting on the River Thames; thence, southerly, along the said limit to the said River; thence, southerly, across the same; thence, southerly, along the easterly side of the allowance for road, between lot number nineteen, abutting on the River Thames, and lot number sixteen, in the fifteenth concession, to the southerly limit of the said lot number sixteen produced; thence, westerly, across the last mentioned allowance for road; thence, westerly, along the southerly limit of lot number sixteen aforesaid, twenty chains; thence, south, nine degrees and thirty minutes east to the northerly limit of lot number nineteen, in the fifteenth concession; thence, easterly, along the same, to the north-easterly angle of the said lot number nineteen; thence, easterly, across the allowance for road on the westerly limit of lot number twenty-five, abutting on the River Thames; thence, southerly, along the westerly limit of the said lot number twenty-five to the River Thames; thence, southerly, across the said River; and thence, southerly, along the westerly limit of lot number thirty-six, abutting on the River Thames, to the place of beginning. [*Proclamation made incorporating, Sep.* 21*st*, 1854.]

Wentworth and Halton.

WENTWORTH AND HALTON.—[*Proclamation, dissolving Union, issued 27th December*, 1854.] *See page* 213.

[The following Acts passed during the late Session of Parliament, (17th Victoria,) are here inserted, in order to render the Municipal Manual as complete as possible.]

CITY OF OTTAWA.

An Act to erect the Town of Bytown into a City under the name of the City of Ottawa.

Preamble.

Whereas the Mayor and Corporation of the Town of Bytown, have in behalf of the inhabitants thereof, expressed their desire that the said Town should be erected into a City, to be called the *City of Ottawa*; And whereas from the great and rapidly increasing population and commercial importance of the said Town, it is desirable to comply with their request: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Town of Bytown erected into a city.

I. Upon, from and after the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-five, the Town of Bytown shall be a City, and shall be called and known as the *City of Ottawa*, and the first Municipal Election therein as a City shall take place on the said day; and the said *City of Ottawa* shall be bounded in the manner set forth as regards the Town of Bytown in the Schedule B to the Upper Canada Municipal Corporations Act of 1849.

City of Ottawa divided into five Wards.

II. The said *City of Ottawa* shall be and is hereby divided into five Wards, viz: That portion of the City lying easterly from the Rideau Canal shall constitute three Wards, and the portion of the City lying westerly from the Rideau Canal shall constitute two Wards, which latter two Wards shall be divided by the centre of Wellington street, George street, Victoria Terrace and the concession line known as

Victoria Ward. Wellington Ward. St. George's Ward. By Ward. Ottawa Ward.

the Richmond road, to the limits of the City; and the portion lying North of the said streets and road, shall constitute one Ward, to be called Victoria Ward; and the portion lying south of the said streets shall constitute a Ward to be called Wellington Ward; the portion of the City lying easterly from the Rideau Canal as aforesaid, shall be divided and called as follows, viz: The whole of Rideau street and the portion of the City, south of it, shall constitute a Ward to be called St. George's Ward; That portion of the City from the line dividing Rideau and George streets and a continuation of such line, terminating on the Rideau Canal in one direction, and on the waters of the river Rideau in another, to the centre of St. Patrick street, and in a continuing line therewith, east and west, to the waters of the Rivers Ottawa and Rideau, shall constitute a second Ward to be called By Ward, and the remaining portion lying north of the line above described on St. Patrick street and the continuation thereof, shall constitute a third Ward, to be called Ottawa Ward.

Municipal Corporation Act applied to.

III. All the provisions of the Act last cited and of the Upper Canada Municipal Corporations Acts generally, as therein in force, so far as the same relates to Cities, shall, upon, from and after the day last aforesaid, extend and apply to the said City of Ottawa, as if a proclamation had issued more than three calendar months before the said day, erecting the said Town of Bytown into a City by the name aforesaid, so that the first Municipal Election therein, would under the said Acts be held on the said day, and setting forth the boundaries of the said City as hereinbefore mentioned.

IV. This Act may be varied, altered or repealed by any Act to be passed during this present Session.

V. This Act shall be deemed a Public Act.

TOWN OF WHITBY.

An Act to incorporate the Town of Whitby, and to define the limits thereof.

Preamble.

Whereas the inhabitants of the Township of Whitby, residing within the boundaries and limits hereinafter described, by Petition have prayed the Legislature to incorporate the same into a Town; And whereas the population of the same amounts to about two thousand three hundred inhabitants; And whereas it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants, if the prayer of the said Petition were granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as followeth:

Incorporation.

I. The tract of land within the boundaries or limits hereinafter described shall be incorporated into a Town to be called and designated as the Town of Whitby.

Municipal Corporation Act applied to.

II, So much of the Upper Canada Municipal Corporations Acts as relates to Towns shall be and is hereby incorporated in this Act, and the said Town of Whitby shall have and exercise all and singular the same rights, powers, privileges and jurisdiction, as are given, granted or conferred upon or as shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated Towns, and all the rules, regulations, provisions and enactments therein contained or which shall in any wise relate or belong to the same, shall apply to the Town of Whitby as fully as if the said tract of Land had become a Town under the ordinary operation of the said Acts, with the exception hereinafter made for the first election.

Boundaries of

III. The said Town of Whitby shall be comprised within the following limits or boundaries, that is to say: all that certain parcel of land known as lots numbers 24, 25, 26, 27, 28 and 29, in the broken front of the Township of Whitby, and lots numbers 23, 24, 25, 26, 27, 28, 29 and 30, and the North halves of lots numbers 22, and 31 in the first concession of the said Township, and lots numbers 25, 26, 27 and 28, and the south halves of lots numbers 22, 23, 24, 29, 30 and 31 in the second concession of the Township of Whitby aforesaid.

Town of Whitby divided into three Wards.

IV. The said Town of Whitby shall be divided into three Wards in the following manner, that is to say: All that part of the Town south of the centre of the first concession aforesaid shall form the South Ward, and all that part of the Town south of Dundas Street to the centre of the first concession aforesaid shall form the Centre Ward, and all that part North of Dundas Street in the second concession of the said Township of Whitby shall form the North Ward.

First Election.

V. The Sheriff for the time being of the County of Ontario shall be *ex officio* Returning Officer for the purpose of holding the first Municipal Election under this Act, and shall, on or before the Tenth day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the three Wards into which the said Town of Whitby is hereby divided, to hold the first election therein; and in the discharge of their duties such Deputy Returning Officers shall severally be subject to all the provisions of the said Upper Canada Municipal Corporations Acts applicable to first elections in Towns incorporated under the said Acts.

Qualification of Candidates and Voters.

VI. The qualifications of Candidates and Electors at such first election shall be the same as the qualifications for Candidates and Electors respectively at Elections for Municipal Councils in Townships in Upper Canada.

First Meeting of Council.

VII. The first Meeting of the Town Council of the said Town of Whitby shall be held in the Court House in the said Town, at the hour of Twelve o'clock noon, on the second Monday next after such first election.

VIII. This Act shall be deemed a Public Act.

TOWN OF CORNWALL.

An Act to declare valid a certain Survey of part of the Town of Cornwall.

Preamble.

Whereas the Town Council of the Town of Cornwall have prayed by their Petition to the Legislature, that a certain Survey of part of the said Town, made by order of the said Town Council, be declared legal and valid, and it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. The Survey of that part of the said Town of Cornwall commencing South of Four Street and continuing North thereof, made and completed under and by virtue of a resolution of the said Town Council, passed on the tenth day of July, one thousand eight hundred and fifty-three, by John Bruce, Esquire, Deputy Provincial Surveyor and adopted by the said Town Council under and by virtue of another Resolution passed by them on the fifteenth day of February, one thousand eight hundred and fifty-four, shall be taken and held to be a true and correct Survey of the above described part of the said Town, and, shall to all intents and purposes be deemed and considered to be legal and valid.

II. The Act shall be deemed to be a Public Act.

OTONABEE CONCESSION ROAD.

An Act to authorize the Municipal Council of the Township of Otonabee to exchange a Concession Road allowance for another portion of land to be given in lieu thereof.

Preamble.

Whereas the main road leading to the Town of Peterborough from the South East, running in part along the Concession line between the twelfth and thirteenth Concessions of the Township of Otonabee, intersects the Cobourg and Peterborough Railway at level crossings twice within the distance of a mile, to the great inconvenience and danger of the travellers on the said line; And whereas a slight alteration in the direction of the road would altogether avoid the said Railway and be otherwise more convenient for the public: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Township may pass a By-law to exchange road allowance.

I. It shall be lawful for the Municipal Council of the Township of Otonabee, by a By-law to be passed by them for that purpose, to exchange so much of the road allowance between the twelfth and thirteenth Concessions as lies on the West side of lot number twenty-eight and the north western corner of lot number twenty-seven, being bounded by the side line between lots twenty-eight and twenty-nine to the north, and the line of the Cobourg and Peterborough Railway to the south, for so much land in the twenty-eighth lot in the thirteenth Concession of the said Township as will give a road of equal width to the said Concession Road.

Such By-law shall vest land exchanged in parties.

II. So soon as a valid conveyance shall have been executed to the said Municipal Council, of the land to be given in exchange for the said portion of the said allowance for road, it shall be lawful for the said Municipal Council to pass a By-law as aforesaid, and such By-law shall have the effect of vesting the said portion of the said allowance for road in the party who executed the conveyance of the part of the twenty-eighth lot in the thirteenth Concession given in exchange therefor.

III. This Act shall be deemed a Public Act.

MUNICIPAL LOAN FUND AMENDMENT.

17 VIC., CAP. 13.

An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

Preamble.

Whereas it is expedient to extend to Lower Canada the advantages of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, "*An Act to establish a Consolidated Municipal Loan Fund for Upper Canada,*" and to limit the amount of Loans to be raised for Upper Canada and Lower Canada respectively; And whereas it is expedient to amend the said Act for the above and other purposes hereinafter mentioned; Be it enacted, &c.:—

16 V., c. 22.

A Municipal Loan Fund established for each section of the Province.

II. Notwithstanding any thing in the said first cited Act contained, there shall be a Consolidated Municipal Loan Fund for each section of the Province of Canada, which shall not at any time exceed the sum of one million five hundred thousand pounds sterling, for either of the said sections, together with such further sum or sums of money as may constitute the Sinking Fund formed or to be formed under the authority of the said Act or of this Act; and the said Funds shall be called respectively the Lower Canada and the Upper Canada Municipal Loan Funds, and shall be managed by the Receiver General under the direction of the Governor in Council, in the manner provided by the said Act, in separate accounts for each, and the books and accounts thereof shall be kept in his office: Provided always, that it shall not be lawful for any Municipality to pass any By-law for the purpose of raising a Loan under this Act, for an amount exceeding twenty per cent. on the aggregate valuation of the property affected by such By-law, in the said Municipality, according to the then last assessment roll thereof.

Proviso.

How Debentures shall be issued.

III. All Debentures to be issued by the Receiver General under the provisions of the said Act or of this Act, shall be issued upon the credit of the said Consolidated Municipal Loan Fund of Lower Canada or Upper Canada as the case may be; Provided always, that the Debentures heretofore issued upon the credit of the Consolidated Loan Fund for Upper Canada, under the authority of the said Act above referred to, and of the Act amending the same, or either of them, shall be and continue to be valid and legal as if this Act had not been passed.

Proviso.

JOINT STOCK COMPANIES AMENDMENT ACT.

An Act to amend the Upper Canda Joint Stock Pier, Wharf, Dry-Dock, and Harbour Companies' Act.

For the better protection of the rights of Shareholders in the Companies formed under the Act hereinafter mentioned—Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows: Preamble.

I. That the Fourth section of the Statute of this Province passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and twenty-four, intituled, *An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, Dry-Docks and Harbours*, shall be amended by adding to the same the following words: "and provided further that at any election of "Directors of any such Company as is therein referred to, after the "formation thereof, each Stockholder shall be entitled to one vote for "every share of Stock he may hold or be possessed of in any such "Company, and upon which such Stockholder shall not be in arrear "for or upon any call in respect thereof; and that any person being a "Stockholder having paid all calls made, shall be eligible as a "Director." Each Shareholder entitled to a vote. Each Stockholder eligible as Director.

ELECTION FRANCHISE EXTENSION.

An Act to amend an Act intituled, An Act to extend the Elective Franchise and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters.

Whereas there is reason to apprehend that in many parts of this Province, the Lists of Voters required by the Act of the now last Session hereinafter cited, may not be completed by the first day of January, one thousand eight hundred and fifty-five, so that if the said Act were brought fully into force on that day, great injustice might be done in many cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Preamble.

Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

16 Vic., cap. 152, sec. 4 and 5, 8 and 9, not to come into operation before 1st January 1856.

I. That those provisions of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to extend the Elective Franchise and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the Registration of Voters*, which relate to the use and effect of the Lists of Voters mentioned in the said Act, shall not apply to any Election for which the first polling day shall be before the first day of January, one thousand eight hundred and fifty-six, nor shall any of the provisions of the said Act qualifying or disqualifying Voters, or requiring them to take or exempting them from taking any oath, apply to Voters at any such Election; but the said Act shall nevertheless be and remain in full force and effect as regards the duties imposed by it on Assessors and other Municipal Officers, and the making, revising and correcting of the Lists of Voters, and their use at Elections for which the first polling day shall be on or after the day last aforesaid.

Elective Franchise extended.

II. And inasmuch as it is expedient forthwith to extend the Elective Franchise to persons qualified in the manner mentioned in the said Act, subject to the provisions hereinafter made: Be it therefore enacted, that in addition to the persons qualified as Voters under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof*, hereinafter called "The Elections Act of 1849," the following persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office, or otherwise by law prevented from voting, shall be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province, for which the first polling day shall be before the said first day of January, one thousand eight hundred and fifty-six, that is to say:

Freeholder of £75, or £7 10s annual rent to qualify in Cities and Towns.

Every male person being at the time of his tendering his vote at such Election, the legal and *bona fide* owner or freeholder, or the legal and *bona fide* tenant or occupant of real property within any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, (or in Upper Canada within any City, and the liberties thereof) as bounded for Municipal purposes, of the actual value of seventy-five pounds or upwards, or of the yearly value of seven pounds and ten shillings or upwards, or being at the said time such owner, tenant or occupant of any real property which is within the limits of such City or Town for the purposes of Representation, but not for Municipal purposes, of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards, shall be entitled to vote at any such Election of a Member or Members to represent such City or Town as aforesaid; subject always to the provisions hereinafter made:

In suburbs of Cities and Towns Freehold of £50 or Rental of £5.

Every male person being at the time of his tendering his vote at such Election, the legal and *bonâ fide* owner or freeholder, or the legal and *bonâ fide* tenant or occupant of real property of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards in any Parish, Township, Town, Village or Place, not being within any City or Town entitled to send a Member or Members to the said Legislative Assembly, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township, Town, Village or Place, is included; subject always to the provisions hereinafter made:

In Townships, Villages, &c., Freehold of £50, or Rental of £5 qualifies.

Provided that no person shall be entitled by virtue of this Act to vote as the tenant or occupant of any real property, unless his then lease thereof was originally for a term of not less than *one year*, or his right of occupation be such as hereinafter required; and that persons voting by virtue of this Act, as tenants or occupants of real property shall vote in the ward or place in which such property shall lie; and no person shall be deemed the occupant of real property within the meaning of this Act, unless he shall occupy the same with the consent of the Crown or of the owner of such property, and with the intent that he shall on the performance of certain conditions, obtain the title to and become the owner of such property.

Lease must be for no less period than one year.

Vote to be given in Ward where property is.

III. And be it enacted, That whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common or *par indivis*, be the owners of any real property or the tenants or occupants thereof, each of such persons shall be entitled to vote in respect of such property, if the actual or yearly value of his part or share would be sufficient to entitle him under this Act, to vote at an Election of a Member to represent in the Provincial Parliament the Electoral Division in which such property is situate, if such share were held by him separately; except, that if the property be held by a Body Cor-

As to Partnerships.

Bodies Corporate

porate, no one of the Members thereof shall be thereby entitled to vote in respect thereof or of any share therein.

Crown Lessees.

IV. And be it enacted, That no person shall, either under the provisions of this Act, or those of The Elections Act of 1849, cited in the second Section of this Act, be held qualified to vote at any such Election as aforesaid, as the owner or as the tenant or occupant of any real property on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown therefor (except seigniorial rents and dues) shall be overdue and unpaid, or as the owner, tenant or occupant of any real property belonging to the Crown and which he shall hold or occupy without authority from the Crown, whatever be the value of such property: and that any person claiming the right of voting as a proprietor or freeholder under the Elections Act of 1849, shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the oath or affirmation No. 5 in the Schedule to this Act, in addition to any other oath which he may be legally required to take: and the Deputy Returning Officer is hereby empowered and required to administer the said oath or affirmation.

Oaths to be taken.

V. Provided always and be it enacted, That the Deputy Returning Officer at any such Election of a Member or Members of the Legislative Assembly shall not receive the vote of any person claiming the right to vote as being qualified and entitled so to do under this Act, unless such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the Oath or Affirmation No. 1, in the Schedule to this Act, if such Voter claims to be entitled to vote as the owner of property situate within the Municipal limits of any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province; the Oath or Affirmation No. 2, if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid; the Oath or Affirmation No. 3, if he claims to be entitled to vote as the owner of property situate elsewhere than within the Municipal limits of any such City or Town; and the Oath or Affirmation No. 4, if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid: any of which Oaths or Affirmations the Deputy Returning Officer is hereby empowered and required to administer; but no Voter taking any one of the said oaths or affirmations shall be required to take any of the oaths in the Schedule to the Elections Act of 1849, or any other oath or affirmation whatever, in order to have his vote received by the Deputy Returning Officer.

Certain parts of

VI. And be it enacted, That so much of the Elections Act of 1849, 19th Vic. repealed.

as would disqualify as a Voter any person qualified by this Act, or would require that the property in respect of which he claims the right of voting should be of the required actual or yearly value over and above all rents and charges payable out of or affecting the same, or should have been held by such Voter during a certain time previous to the Election, as that he be resident in any place at the time of the Election, or should have resided in any place during a certain time previous to the Election, or that any rent should have been paid by such voter, or as would require any other oath than such as is hereby prescribed to be taken by such Voter, or as may be in any way inconsistent with this Act, shall be and is hereby repealed in so far as regards persons claiming to vote at any Election for which the first polling day shall be after the first day of January one thousand eight hundred and fifty-five, and before the first day of January, one thousand eight hundred and fifty-six, as being qualified to vote thereat by virtue of this Act, but shall remain in force as regards persons claiming to vote at such Election as being qualified to vote thereat under the said Elections Act of 1849, all the provisions whereof obliging the Voter (if required) to describe the property in respect of which he claims the right of voting, the legal consequences and penalties of and for granting fraudulent or collusive titles to persons for the purpose of qualifying or enabling them to vote, or of and for voting without being legally qualified, or of and for voting more than once at the same Election, or of and for bribery or corruption, or of and for disobeying or not complying with any of the requirements of the said Act, and generally all the provisions of the said Act not inconsistent with this Act, shall apply to persons voting or claiming the right of voting under this Act, and to the property in respect of which they claim the right of voting, as fully as to those voting or claiming the right of voting under The Elections Act of 1849, and the property in respect of which they claim the right of voting; and in so far as may not be inconsistent with the provisions of this Act its provisions shall be construed and have effect as if they formed part of the said Act: and the form of the Poll Book or any other form prescribed by the said Act or any requirement thereof, shall be varied (if requisite) so as to be consistent with this Act.

Sections 7 and 8 apply exclusively to Lower Canada.

IX. And be it enacted, That nothing in this Act contained shall be held to affect or apply to any Election or Elections which may be had or held before the first day of January, one thousand eight hundred and fifty-five.

X. And be it enacted, That this Act shall be known as *The Elective Franchise Temporary Extension Act*, and the said Act passed in the twelfth year of Her Majesty's Reign and cited in the second Section of this Act, should be known as *The Elections Act of* 1849, and that either Act may be validly referred to by the name hereby assigned to it in all Acts and legal proceedings and all other documents and writings whatsoever.

SCHEDULES.

No. 1.

Oath or Affirmation of a person claiming the right of voting as the owner of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.

Oath of Freeholder in Cities and Towns.

You swear (*or, if he be one of the persons permitted by Law to affirm in civil cases,* you solemnly affirm) that you are actually and *bonâ fide* possessed to your own use and benefit of the Estate which you have just described as giving you a right to vote at this Election, as your own property (*or* freehold),—that the said Estate has not been colorably or collusively conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency or more, (*or* of the yearly value of seven pounds ten shillings currency or more, *as the case may be*),—and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except Seigniorial dues) is now overdue and unpaid, —that you are a Subject of Her Majesty by birth, (*or* naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 2.

Oath or affirmation of a person claiming the right of voting as the tenant or occupant of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.

Oath of Tenant in Cities and Towns.

You swear (*or, if he be one of the persons permitted by Law to affirm in civil cases,* you solemnly affirm) that you are actually and *bonâ fide* for your own use in possession and benefit as tenant (*or* occupant,) of the Estate which you have just described, as giving you a right to vote at this Election,—*(if he vote as a tenant say,* that your present lease of the said Estate was made for a term not less than *one year,)* and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency, or more *(or* of the yearly value of seven pounds ten shillings, or more *as the case may be),*—and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid, —that you are a Subject of Her Majesty by birth, (*or* naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 3.

Oath or affirmation of a person claiming the right of voting as the owner of real property lying elsewhere than within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.

Oath of City Voter whose property is in the suburbs thereof.

You swear (*or, if he be one of the persons permitted by Law to affirm in civil cases,* you solemnly affirm) that you are actually and *bona fide* possessed to your own use and benefit of the Estate which you have just described, as giving you a right to vote at this Election, as your own property (*or* freehold),—that the said Estate has not been colorably or collusively conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency or more, (*or* of the yearly value of five pounds currency or more, *as the case may be*), and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except Seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (*or* naturalization, *as the case may be*), —that you believe yourself to be of the full age of twenty-one years,— that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 4.

Oath or Affirmation of a person claiming the right of voting as the tenant or occupant of real property lying elsewhere than with-

in some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.

Oath of Suburban Tenant.

You swear (*or, if he be one of the persons permitted by Law to affirm in civil cases*, you solemnly affirm) that you are actually and *bona fide* in possession for your own use and benefit as tenant (*or* occupant) of the Estate which you have just described, as giving you a right to vote at this Election,—(*if he vote as a tenant say*,—that your present lease of the said Estate was made for a term not less than *one year*,) and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency, or more, (*or* of the yearly value of five pounds currency, or more, *as the case may be*),—that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (*or* naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 5.

Oath or affirmation of a person claiming the right of voting as being qualified as a proprietor or freeholder under the Elections Act of 1849.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that no instalment of purchase money, or any rent or other sum of money which you have undertaken to pay to the Crown for the property in respect of which you claim to be entitled to vote at this Election (*adding in Lower Canada the words* "except seigniorial rents") is now overdue and unpaid. So help you God.

CLERGY RESERVES.

Extracts from an Act to make better provision for the appropriation of Monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes.

Proceeds of Reserves to form two Funds, one

I. The monies arising from the Clergy Reserves in Upper Canada shall continue to form a separate Fund, which shall be called, The for U.C., and one for L.C.

Upper Canada Municipalities Fund; and the monies arising from the Clergy Reserves in Lower Canada shall continue to form a separate Fund, which shall be called, The Lower Canada Municipalities Fund:

Of what such Funds shall consist respectively.

To be in the hands of Receiver General.

The Municipalities Fund for each section of the Province respectively, shall consist of all monies arising from the sale of Clergy Reserves in that section of the Province, whether now funded or invested either in the United Kingdom or in this Province, or remaining uninvested, or hereafter to arise from such sales, the interest and dividends of monies forming part of such Fund, the interest upon sales of Clergy Reserves in that section of the Province, on credit, and rents, issues, and profits arising from Clergy Reserves therein demised or to be demised for any term of years, and other casual and periodical incomings arising from Clergy Reserves therein, after deducting therefrom the actual and necessary expenses attending the sales of the said Clergy Reserves and of managing the same and the Funds aforesaid; and the monies forming the said Funds shall be paid into the hands of the Receiver General and shall be by him applied to the purposes hereinafter mentioned, under the authority of this Act, or any general or special order or orders to be made by the Governor in Council.

Annual stipends and allowances charged on the Reserves before the Imperial Act, to be payable during certain periods.

Proviso.

II. The annual stipends or allowances which had been before the passing of the Act of the Parliament of the United Kingdom, passed in the sixteenth year of Her Majesty's reign, and cited in the preamble to this Act, assigned or given to the Clergy of the Churches of England and Scotland, or to any other Religious Bodies or denominations of Christians in either section of the Province, and chargeable under the Act of the said Parliament on the Clergy Reserves in such section (and to which the faith of the Crown is pledged), shall, during the natural lives or incumbencies of the parties receiving the same at the time of the passing of the said Act, be the first charge on the Municipalities Fund for that section of the Province, and shall be paid out of the same in preference to all other charges or expenses whatever: Provided always, that the annual allowance heretofore payable to the Roman Catholic Church in Upper Canada, and to the British Wesleyan Methodist Church for Indian Missions, shall continue to be payable during the twenty years next after the passing of this Act, and no longer.

Yearly division of unappropriated balance among the municipalities in each section of the province, respectively, according to population.

V. The amount of the Municipalities Fund in and for either Section of the Province remaining unexpended and unappropriated under the foregoing provisions of this Act, on the thirty-first day of December in each year, shall, by the Receiver General, be apportioned equally among the several County and City Municipalities in the same Section of the Province, in proportion to the population of such Municipalities respectively according to the then last Census made either under the Act to provide more effectually for taking a periodical Census of the Province, or any other Act under which Census may be legally taken of the Municipalities in either section of the Province; and the portion thereof coming to each Municipality shall be paid over by the Receiver General to the Treasurer, Chamberlain or other Officer having the legal custody of the monies of such Municipality, without other authority than this Act, and shall make part of the General Funds of the Municipality, and be applicable to any purpose to which such Funds are applicable: Provided always, that if at the time when such payment is to be made, any sum of money, shall be payable by any such Municipality to the Receiver General for any cause whatever, and shall be overdue, he may retain in his hands in satisfaction or part satisfaction thereof, the sum which would otherwise be payable to such Municipality, or so much thereof as may be equal to the sum so payable to him by the Municipality and overdue, and shall deliver to the Treasurer, Chamberlain or other officer as aforesaid, a discharge in favour of the Municipality for a sum equal to that so retained by him; and for the purposes of this section, each Municipality into which any County in Lower Canada may be at the time divided, and each Union of Counties for Municipal purposes in Upper or Lower Canada, shall be taken to be a County Municipality.

Proviso: if the Municipality have money to pay to the Receiver General.

What shall be deemed a Municipality.

TITLES OF ACTS

Not contained in this Manual, but to which it may be sometimes necessary for Municipal Bodies to refer.

1849—12 VICTORIA.

CHAPTERS.

IV. An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works, and for other purposes relative to the said Works.

VI. An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants.

VIII. An Act to make provision for the preservation of the Public Health in certain emergencies.

X. An Act for putting a Legislative Interpretation upon certain terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes.

XI. An Act to confirm the erection of certain Townships, and for other purposes relative to the erection of Townships.

XXIII. An Act to provide for the Seizure and Sale of Shares in the Capital Stock of Incorporated Companies.

XXV. An Act to exempt Naval and Military Officers and others on duty in Her Majesty's Service, from the payment of Toll upon any Turnpike Road in this Province.

LXXXII. An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof.

LXXXIV. An Act to amend the several Laws therein mentioned relative to the appointments and duties of Inspectors of Weights and Measures in Upper Canada.

XCIV. An Act to detach a certain tract of Land from the Midland District and to annex it to the District of Bathurst.

XCV. An Act to define the Boundary between the Districts of Bathurst and Johnstown.

XCVIII. An Act to divide the Township of Cayuga, in the District of Niagara, into two Townships.

XCIX. An Act to divide the Townships of Leeds and Lansdowne in the District of Johnstown.

C. An Act to alter the Boundary Line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward.

CI. An Act to appoint Commissioners to define the Boundary Line between the Township of Walpole in the Niagara District, and the Township of Woodhouse in the Talbot District.

CII. An Act to repeal the Act defining the Boundary Line between the fourth Concessions of the Townships of Montague and North Elmsley.

CIII. An Act to incorporate the Trustees of the Kingston Hospital.

CXI. An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof, towards purchasing a new site, and erecting a new School House in the Town of L'Orignal.

CLVI. An Act to alter and amend the Charter of the Great Western Rail-Road Company.

CLVII. An Act to incorporate the Markham and Elgin Mills Plank Road Company.

CLVIII. An Act to incorporate the City of Kingston Water Works Company.

CLX. An Act to incorporate certain persons under the style and title of The President, Directors, and Company of Port Burwell Harbour.

CLXI. An Act to amend the Act incorporating the Niagara Falls Suspension Bridge Company.

CLXXI, An Act to enable William Bradley to hold a certain Road Allowance, in Caledonia, in the Ottawa District.

CLXXII. An Act to vest a certain Road Allowance in the Township of Nelson, in John S. McCollom.

1850—13 & 14 VICTORIA.

VII. An Act to amend the Laws relative to Hawkers and Pedlers.

XXVII. An Act for the more effectual suppresson of Intemperance.

XLIX. An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes, and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an appendage thereof.

LXXX. An Act to provide for the future management of the Toronto Harbour.

LXXXI. An Act to enable the Municipal Corporation of the City of Toronto, to assist in the construction of the Toronto, Simcoe, and Lake Huron Railroad.

LXXXII. An Act to remove doubts as to the effect of the disallowance of the Act incorporating the Town of Bytown.

LXXXIII. An Act to vest the Harbour at Cobourg in the Municipality of that Town.

LXXXIV. An Act to establish a Survey in front of the ninth Concession of Cornwall, (from Lot Number Twenty-two, westerly, to the limit of the Township,) as the governing line of the the said Concession of Cornwall.

LXXXV. An Act to determine the mode in which the Side Lines in certain Concessions in the Township of Edwardsburgh shall be run.

LXXXVI. An Act to amend and explain the Act relative to the Side Lines in the Township of Osgoode.

LXXXVII. An Act to remedy an error in certain Letters Patent for two lots in the Town of Chatham.

LXXXVIII. An Act to confirm a certain Survey of the Township of Ameliasburgh, in Upper Canada.

LXXXIX. An Act to enable the Commissioners for defining the Boundary Line between the Townships of Walpole and Woodhouse, to perform the duty assigned to them by the Act in that behalf provided.

XC. An Act to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to erect a Dam across the River Thames.

CXXIX. An Act to empower Municipal Corporations to subscribe for Stock of the Great Western Rail-road Company, or otherwise to aid in completing that undertaking.

CXXX. An Act to empower the Great Western Rail-road Company to make a Branch Rail-road to the Town of Galt.

CXXXI An Act to amend the Act, intituled, *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union Rail-road Company.*

CXXXII. An Act for the Incorporation of a Company to construct a Rail-road between Bytown and Prescott.

CXXXIII. An Act to amend the Act, intituled, *An Act to incorporate certain persons as The Guelph and Dundas Road Company.*

CXXXIV. An Act to incorporate certain persons under the name of the "The Vaughan Road Company."

CXXXV. An Act to prolong the time for the completion of the Grimsby Breakwater, Pier and Harbour.

CXXXVI. An Act to Incorporate the Hamilton Gas Light Company.

CXLIV. An Act to Incorporate *The Elgin Association,* for the settlement and moral improvement of the Coloured Population of Canada.

1851—14 & 15 VICTORIA.

XI. An Act to amend the Law relating to Apprentices and Minors.

XXX. An Act to close up part of Ottawa Street in the Village of Cayuga.

XXXI. An Act to indemnify the Municipal Councillors of the County of Peterborough and others, for passing a certain By-law of the Municipal Council of the said County, which was afterwards quashed.

XXXIII. An Act to Incorporate the County of Carleton General Protestant Hospital.

XXXIV. An Act to incorporate *The Orphans' Home and Female Aid Society, Toronto.*

XXXV. An Act to incorporate *The House of Industry of Toronto.*

XXXVII. An Act to amend the Act, intituled, *An Act to Incorporate the City of Kingston Water Works Company.*

XXXVIII. An Act to vest a certain allowance for Road in the Township of Woodhouse, in the County of Norfolk, in Andrew Thompson.

XXXIX. An Act to vest a certain allowance for Road, in the Township of York in certain persons.

LI. An Act to consolidate and regulate the General Clauses relating to Railways.

LXXIII. An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province.

LXXIV. An Act to extend the provisions of an Act passed in the present Session, intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the length of this Province.*

LXXV. An Act for raising by way of Loan, a sum not exceeding Four Millions of Pounds Currency, for making a Main Trunk Line of Railway throughout the length of this Province.

LXXVI. An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, *An Act for the better preservation of the Peace, and the prevention of Riots and Violent Outrages at and near Public Works, while in progress of construction*, and to extend the operation thereof to certain works undertaken by Incorporated Companies.

LXXVII. An Act to authorize the employment of Military Pensioners and others as a Local Police Force.

LXXXII. An Act for the regulation of Pawnbrokers and Pawnbroking.

LXXXIII. An Act to authorize the confinement of Lunatics in cases where there being at large may be dangerous to the public.

CXII. An Act to extend the time for making the selection of Jurors, and preparing the Jurors' Books in Upper Canada in the present year.

CXVII. An Act to authorize the Payment of certain Expenses of the Administration of Justice in the Recorders' Courts in Upper Canada, out of the Consolidated Revenue Fund of this Province.

CXXXVIII. An Act to authorize the Municipal Council of the United Counties of Wentworth and Halton to dispose of a part of the present Court House Square.

CXXXIX. An Act to authorize the County of Welland Municipal Council to purchase certain lands in the said County, known as the Great Cranberry Marsh, and for other purposes.

CXL. An Act to allow a Grant of the Hospital Reserve, Belleville, to the Town Council.

CXLI. An Act to amend the Act incorporating the Trustees of the Toronto Hospital.

CLXIII. An Act to incorporate *The Montreal and Kingston Railway Company.*

CXLVI. An Act to incorporate "The Kingston and Toronto Railway Company."

CXLVII. An Act to amend the Act incorporating the Bytown and Prescott Railway Company.

CXLVIII. An Act for incorporating the Toronto and Guelph Railway Company.

CXLIX. An Act to incorporate the Wolfe Island Railway and Canal Company.

CL. An Act to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected.

CLII. An Act for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal.

CLIII. An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.

CLVII. An Act to amend the Act incorporating the Port Burwell Harbor Company.

CLXV. An Act to vest a certain Road Allowance in the Township of Hope, in the County of Durham, in James Madison Andrews, and others.

1852—16 VICTORIA.

I. An Act for avoiding doubts which might otherwise arise from the Act making alterations in the Territorial Divisions of Upper Canada, having come into effect since the last General Election.

II. An Act to repeal the fifth and sixth Sections of *The Railway Clauses Consolidation Act.*

XXXVII. An Act to incorporate the Grand Trunk Railway Company of Canada.

XXXIX. An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company or to purchase the property and rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies.

XL. An Act to incorporate *The Cobourg and Peterborough Railway Company.*

XLI. An Act to amend the Act incorporating *The Toronto and Guelph Railway Company.*

XLII. An Act to authorize the construction of a Railway from Galt to Guelph.

XLIII. An Act to incorporate the Grand Junction Railway Company.

XLIV. An Act to incorporate *The Hamilton and Toronto Railway Company.*

XLV. An Act to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich.

XLIX. An Act to extend the provisions of the eighteenth Section of *The Railway Clauses Consolidation Act* to the Act incorporating *The Peterborough and Port Hope Railway Company.*

L. An Act to amend the Charter of the Erie and Ontario Railroad Company.

LL. An Act to amend the Act incorporating *The Ontario, Simcoe and Huron Railroad Union Company.*

LII. An Act to amend the Act incorporating *The Bytown and Prescott Railway Company.*

LIII. An Act granting certain Lots in the Town of Bytown to *The Bytown and Prescott Railway Company.*

LIV. An Act to authorize the Town of Dundas to grant its security to the Great Western Railroad Company, on behalf of the Desjardins Canal Company, for certain improvements on the said Canal.

LXVI. An Act to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water.

LXVII. An Act to incorporate the Trustees of *The Hamilton Orphan Asylum.*

LXX. An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.*

LXXI. An Act to amend the Act, intituled, *An Act to incorporate the Orphans' Home and Female Aid Society, Toronto.*

1853—16 VICTORIA.

LXXXII. An Act to vest in the Little Lake Cemetery Company, certain allowances for road in the Park Lots of the Town of Peterborough.

XC. An Act to repeal so much of the amended Assessment Act of Upper Canada, as requires the County Councils to meet on the first of May in each year, to equalize the Assessments, and appointing another day instead thereof, for that purpose.

XCVII. An Act to authorize the Municipal Council of the Town of Amherstburgh, to sell the site of the Old Market of that Town.

XCIX. An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.

CI. An Act to incorporate the London and Port Sarnia Railway Company.

CII. An Act to incorporate the Hamilton and Port Dover Railway Company.

CIII. An Act to incorporate the Montreal and Bytown Railway Company.

CV. An Act to incorporate the Port Whitby and Lake Huron Railway Company.

CVIII. An Act to incorporate the Brockville Gas Light Company.

CIX. An Act to amend the Charter of the City of Toronto Gas Light and Water Company.

CVI. An Act to incorporate the Brockville and Ottawa Railway Company.

CXXXIII. An Act to incorporate the London and Port Stanley Railway Company.

CXXXIV. An Act to incorporate the Vaudreuil Railway Company.

CXXXV. An Act to incorporate the Cataraque and Peterborough Railway Company.

CXXXVII. An Act to incorporate the Bytown and Pembroke Railway Company.

CXL. An Act to vest the Harbour of Port Hope and adjacent Premises in Commissioners.

CLXIX. An Act in addition to the General Railway Clauses Consolidation Act.

CLXXIII. An Act to provide for the formation of incorporated Joint Stock Companies, for supplying Cities, Towns and Villages with Gas and Water.

CCX. An Act conveying to the City of Toronto certain Water Lots with power to the said City, for the construction of an Esplanade.

CCXXI. An Act to continue and extend the Act to enable the County of Welland Municipal Council to purchase the Great Cranberry Marsh, and for other purposes.

CCXXVII. An Act to vest in the Board of Works a certain portion of Church Street in the Town of London.

CCXXVIII. An Act to confirm a certain allowance for Road in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such allowance.

CCXXIX. An Act to invest certain portions of East York Street, East Bathurst Street and Wellington Street in the Town of London, in the Great Western Railway Company.

CCXXX. An Act to establish the Boundary of Lots in the West Gore, in the Township of Beverley.

CCXXXIX. An Act to amend and extend the Charter of the Woodstock and Lake Erie Railway and Harbour Company.

CCXL. An Act to incorporate the Perth and Kemptville Railway Company.

CCXLV. An Act to incorporate the Prince Edward Railway Company.

CCXXXV. An Act to confer certain titles in the Township of Aldborough, and rectify difficulties which have arisen from an erroneous survey.

CCL. An Act to incorporate a Company in the City of Toronto, to be called The Metropolitan Gas Company.

CCLV. An Act to authorise the formation of a Company to be called the Paris Hydraulic Comyany.

CCLVI. An Act to enable the Directors of the Grand River Navigation Company, to place the said Navigation under the control and management of the Provincial Government, under certain conditions.

1854—17 VICTORIA.

VIII.* An Act further to provide for the Freedom of Election.

An Act to authorise the sale of certain Lands, described as Lots numbers Five and Six, in Division A, of the Township of Guelph, and the re-investment of the proceeds for the Trust.

An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada.

An Act to amend the Act incorporating the Commissioners of the Port Hope Harbour, and to authorise them to borrow a further sum of money, for the completion thereof.

An Act to confirm a certain Survey of the Township of Bedford.

An Act to provide for the holding of the several County Courts in Upper Canada, in case of the illness or unavoidable absence of the County Judge.

An Act to change the name of the Peterborough and Port Hope Railway Company, and to amend the Act incorporating the same.

An Act to incorporate "The Toronto Exchange."

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*This Act, only in force till 1st January, 1856.

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